

# ACTS

PASSED AT

**The Eleventh Annual Session**

OF THE

**GENERAL ASSEMBLY**

OF THE

**STATE OF ALABAMA,**

**BEGUN AND HELD**

IN THE

**TOWN OF TUSCALOOSA,**

**ON THE THIRD MONDAY IN NOVEMBER,**

**ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE,**

---

**GABRIEL MOORE,**

GOVERNOR

**LEVIN POWELL,**

PRESIDENT OF THE SENATE.

**JOHN GAYLE,**

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

---

**TUSCALOOSA:**

**PRINTED BY M'GUIRE, HENRY AND WALKER,  
STATE PRINTERS.**

---

**1830.**

BLANK PAGE

# LAWS OF ALABAMA.

## AN ACT

1830.

To appoint Canal Commissioners for the improvement of the navigation of the Tennessee river, and for other purposes

**SECTION 1** *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Board of Commissioners shall be elected by joint vote of the present General Assembly, to consist of five persons, to be known and designated as the Board of Tennessee Canal Commissioners, who shall hold their offices for two years and until their successors are elected and qualified, unless superceded by other commissioners elected by the General Assembly; and they shall, before entering upon the duties of their respective offices, take and subscribe an oath, before some Judge of the Circuit or County Court, to be filed in the office of the Secretary of State, faithfully to discharge the duties thereof, to the best of their skill and ability: and a majority of said Commissioners shall compose a Board and have authority to act as such, to fill all vacancies which may occur in their body, and the appointment so made, shall continue until the next session of the Legislature, and until their successors are elected, and they shall also have authority to choose one of their own body President of the Board; and the said Board shall assemble at such times and places as to them may seem proper, and may be convened at any time by a call from their President, or any two of their body: and said Board is authorized further to appoint a suitable person as Secretary, and such other agents or servants as they may deem necessary, who shall be allowed and paid such compensation as they shall consider just and reasonable, and said Commissioners shall receive as compensation for their services the sum of four dollars per day for the time which they may be engaged in the discharge of the duties of their office: And the Secretary so appointed shall keep a correct journal and record of the proceedings of the said Board, and the ayes and noes upon the decision of any question shall, upon the request of any member present, be entered upon the journal.

Commissioners to be elected.  
Style.  
Term of office  
To take oath.  
Quorum.  
Vacancies.  
President to be chosen.  
Place of meeting.  
Authorized to appoint secretary, &c.  
Compensation.  
Secretary to keep record of proceedings.

**Sec. 2.** *And be it further enacted,* That it shall be the duty of said Commissioners, so soon as the plan of the improvements of the Tennessee river shall have been reported by the engineer or engineers of the United States, and approved by the President, to procure the same; and shall, with as little delay as practicable thereafter, proceed to employ such engineer or engineers, surveyors, draftsmen or other persons as may by them be deemed necessary, and to cause to be made all surveys and examinations, and such plans, drafts and estimates of such improvements to be prepared as may be required, so as to exhibit estimates of the cost of each particular part, together with a minute and accurate description thereof, preparatory to letting the same to contract.

Commis's to employ engineers, surveyors, &c.

To let out  
contracts af-  
ter giving no-  
tice in certain  
newspapers.

Proviso:

Further pro-  
viso.

Sec. 3. *And be it further enacted*, That it shall be the duty of said Commissioners, after ascertaining as near as practicable the expense of construction of said canals and all other improvements, and ascertaining the cheapest and most durable manner of constructing the same, so as to comply with the requisitions of the act of Congress, by making them capable of steamboat navigation, giving at least ninety days notice thereof, in one newspaper published in Huntsville; in one of the papers published in Tuscaloosa; in one paper published in Nashville, Tennessee; in one other in Cincinnati; in the United States' Telegraph at Washington City, and in such other newspapers as they may think proper, to let out to contract to the lowest responsible bidder to such person or persons as may offer to take the contracts for the execution of any of the requisite works contemplated in this act, but shall not pay unreasonable prices therefor, in such lots, precincts or parts as may in the opinion of said Commissioners best promote and advance the interest of the State, as well as the faithful and speedy execution of the work: *Provided* said Commissioners shall not pay or contract to pay more than a full and reasonable value according to the estimates for any material part of said work: *And provided further*, that said Commissioners shall not be authorized to let to contract, or commence the construction of a greater portion of said improvements at any time, than can be paid for out of the funds which may have been received from the sales of the lands granted to this State for the improvements aforesaid, after deducting the expenses incurred in the selection, valuation and sale thereof: *And provided further*, that the said commissioners shall commence the improvements aforesaid at the lowest obstructions, and conduct the same in strict conformity with the act of Congress.

Commission-  
ers author-  
ized to prose-  
cute works  
through the  
lands of indi-  
viduals.

Courts to give  
preference in  
actions of da-  
mages.

May agree  
with owners  
of land as to  
its value.

Sec. 4. *And be it further enacted*, That whereas it may be necessary for the making of the said canals, locks, dams, ponds, feeders and other works, that provision should be made for condemning a quantity of land for the purpose: *Be it therefore enacted*, that whenever it shall become necessary to subject the lands of any individual to the purposes provided for in this act, and their consent cannot be obtained, it shall and may be lawful for the Commissioners aforesaid, to enter upon such lands and proceed to the execution of such works as may be requisite; and that during the pendency of any proceedings in any suit, in the nature of a writ of *ad quod damnum*, or any other proceedings, shall not hinder or delay the progress of the work; and it shall be the duty of every court to give precedence to controversies which may arise between the commissioners created by this act, and the proprietors of land sought to be condemned for public use, and to determine them in preference to all other causes.

Sec. 5. *And be it further enacted*, That it shall and may be lawful for the Commissioners created by virtue of this act, or a majority of them, to agree with the owner or owners of any



land, through which the said canal is intended to pass, for the purchase, use and occupation thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, or non compos, or out of the State or county, on application to a Justice of the county in which such land shall be, the said Justice of the Peace shall issue his warrant under his hand to the sheriff of the county, to summon a jury of eighteen inhabitants of his county, not related to the parties or in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summons said jury, and when met, shall administer an oath or affirmation to every juryman who shall appear, being not less than twelve in number, that he will faithfully, justly and impartially value the land, and all damages the owner thereof shall sustain by cutting the canal through such land; or the partial or temporary appropriation, use or occupation of such land, according to the best of his skill and judgement; and that in such valuation he will not spare any person for favor or affection, or any person grieve for malice, hatred or ill will. And the inquisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, and unless good cause can be shewn against said inquisition, it shall be affirmed by the court and recorded; but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may at its discretion, as often as may be necessary, direct another inquisition to be taken in the manner prescribed; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and the quality and their valuation shall be conclusive to all persons, and shall be paid for by said Commissioners to the owner of the land or his legal representative, and on the payment thereof, the said commissioners and their successors in office shall be seized of such land as absolute estate in perpetuity for the State of Alabama. And whenever in the construction of the said canal, or any of the works thereof, locks, dams, ponds, feeders, tunnels, aqueducts, culverts or bridges, or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, stone or gravel, or any other material to be found on any of the lands adjacent or near thereto, and the said Commissioners cannot procure the same for the works aforesaid by private contract of the proprietors or owners, the same proceedings in all respects shall be had as in the case before mentioned of the assessment and condemnation of the lands required for the said canal, or the works appurtenant thereto.

Or in case of  
feme covert  
&c., and writ  
of ad quod  
damnum.

Sheriff to ad-  
minister oath  
to jury.

Inquisition to  
be returned  
to county  
court and re-  
corded, or in  
case of failure  
to order ano-  
ther.

Finding of ju-  
ry conclusive  
and title to  
vest on pay-  
ment of valu-  
ation.

Condemna-  
tion of mate-  
rials as gravel  
&c. in case of  
inability to  
contract for.

Commission-  
ers to report  
to Legislature

Sec. 6. *And be it further enacted.* That the said Commissioners be, and they are hereby required to prepare a plain and comprehensive report of all their proceedings under and

by virtue of this act, and transmit the same to the Legislature during the first week of the next session, and on the first week of each succeeding session, until the said canal is completed.

Payment for  
service and  
labor done a-  
bout canal  
how made.

Sec. 7. *And be it further enacted*, That payment for work and labor or any service done in and about any of the improvements contemplated by this act, shall be made in the following manner: The person or persons who may have any claim upon said Board, if for work and labor under a contract, shall procure the certificate of the principal engineer in the employment of the Board, that the work has been done according to the contract, or that the same is justly due according to the terms thereof; upon the production of which certificate, the President of the Board or such commissioner as may be appointed by said Board, to superintend such part of the work, shall be authorized to issue his check in favor of the proper person, upon the Cashier of the Bank of the State of Alabama, and which check it shall be the duty of the Receiver of the Land Office at Courtland, to pay out of any monies in his office; and in the event he has no funds in his hands, then it shall be the duty of the Cashier of the Bank to pay the same out of any monies in the Bank arising from the proceeds of the sales of the lands granted to the State for the purposes aforesaid, and the said checks shall be vouchers for the said Receiver of the Land Office or the Bank, as the case may be.

Payment to  
members of  
board or offi-  
cers thereof  
how made.

Sec. 8. *And be it further enacted*, That payment to any of the Board for their services, or any officer or servant thereof shall be upon an account stated to be approved by the Board and certified to be correct, signed by the party and countersigned by the clerk, and shall be entered upon a book of the Board to be kept for that purpose, when the President may issue his check as aforesaid.

Commission-  
ers to make  
new contracts  
in case of fai-  
lure upon no-  
tice given.

Sec. 9. *And be it further enacted*, That said Commissioners shall be authorized to let to contract, any portion of the canal or other improvement contemplated by the provisions of this act which may have been offered and not contracted for, or which having been contracted for, may not have been prosecuted according to the terms of the contract after such notice as they may deem reasonable and proper.

No member  
of board to be  
interested in  
contract, &c.

Sec. 10. *And be it further enacted*, That no commissioner or engineer, who may be in the employment of the Board, shall be a contractor for any part of the work; nor be concerned directly or indirectly, in a contract with any other person or persons who may be a contractor or contractors for any part of said work.

No money to  
be expended  
but proceeds  
of land sold.

Sec. 11. *And be it further enacted*, That every expenditure contemplated or authorized by virtue of the provisions of this act, shall be paid out of the funds arising from the sale of the lands aforesaid.

No tax for  
completion of  
canal.

Sec. 12. *And be it further enacted*, That the State of Alabama, or citizens thereof, or their property, shall never be taxed for the constructing, completing or repairing said canal, except such toll for passing the same as may be allowed by Congress.

## AN ACT

To establish a Board of Internal Improvement for the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of obtaining correct knowledge of the several objects proper for the improvement of the navigable waters of the State, and the public highways thereof, and for the purpose of making a systematic and economical application of the funds appropriated to those objects, and for the further purpose of preserving and improving the same, and disbursing such portions of the said fund as the General Assembly may from time to time direct to any object of internal improvement, that the amount of the interest annually arising from the three per cent fund, shall be, and is hereby vested in a body corporate, to be styled the President and Directors of the Board of Internal Improvement, in which name they shall have a common seal and perpetual succession, subject to the limitation hereinafter provided; shall be, capable of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights and privileges of a corporation.

Interest of 3 percent fund vested in a body corporate.  
Style.

Powers.

Sec. 2. *And be it further enacted,* That the Governor of the State for the time being, shall be ex officio President of the Board for Internal Improvement, that the Directors, a majority of whom shall constitute a board for the transaction of any business, shall consist of six Commissioners, one of whom to be chosen from that section of country lying below the junction of the Tombeckbe and Alabama rivers, one from the section of country lying on the Alabama river, below the junction of the Coosa and Tallapoosa rivers, one from that section of country lying on the Tombeckbe river below the junction of the Black Warrior and Tombeckbe rivers, one from that section of country lying upon the waters of the Black Warrior river above its junction with the Tombeckbe river and south of the mountains, one from that section of country lying between the waters of the Coosa and Cahawba rivers, and one from the Tennessee Valley.

Governor ex officio Presd't of the Board.

Board to consist of six Commissioners

Where taken from.

Sec. 3. *Be it further enacted,* That the Directors for the Board of Internal Improvement shall be chosen biennially by joint vote of the two Houses of the General Assembly, and receive such compensation for their services as may be allowed by law, which, until otherwise provided, shall be the same mileage for travelling to and from the places of sitting, and the same pay per diem during the continuance of their session, as is now allowed by law to members of the General Assembly.

To be chosen biennially.

compensation

Sec. 4. *Be it further enacted,* That in the absence of the Governor, the Board may elect a President pro tempore from their own body, who shall preside over the deliberations of the Board until the Governor is enabled to attend.

May elect a President pro tem.

Sec. 5. *Be it further enacted,* That the President and Directors of the Board shall have power to appoint a principal

engineer of public works and such assistant engineers or surveyors as in their opinion the public service may require, which said principal engineer shall superintend and direct all public works which the General Assembly shall order, direct, or authorize; and the said Board shall also have power to appoint a secretary to record their proceedings, and the person so appointed shall receive for his services such compensation as the Board may allow, to be paid out of the revenue of the fund for Internal Improvements.

May appoint engineer or other officers.

Their duties & compensation

To hold an annual meeting.

Extra meetings may be held.

Sec. 6. *Be it further enacted*, That the President and Directors of the Board of Internal Improvements shall hold an annual meeting in the town of Tuscaloosa, or at such other place as may be designated by law, to begin on the third Monday of November, and to continue until all the business of the Board be transacted, but the President of the Board may at his pleasure, or shall at the request of any three of the Directors thereof, convene an extra meeting of the Board for the transaction of any urgent business.

May enact bye-laws.

May fill vacancies,

Sec. 7. *And be it further enacted*, That the President and Board of Directors of the Board for Internal Improvements may, at their annual meetings, enact, alter, or amend, such rules as to them may seem proper for the purpose of regulating the order of their proceedings, that they may adjourn the Board for any period not exceeding six months, or when occasion shall require it, have an extra meeting at any other place than that designated by law, and shall have power to make and establish such bye-laws, rules and regulations for the better ordering the conduct of their officers, agents and servants, as to them may seem expedient: *Provided*, that the same be not inconsistent with the constitution and laws of this State, or of the United States. They shall have power at any time during the recess of the Legislature to fill any vacancy which may occur in their own body, from death, resignation, removal, inability or any other cause: *Provided nevertheless*, that such vacancy shall be filled by a citizen of this State, to be selected from that section thereof where such vacancy happened.

Fund to be deposited in State Bank.

Cash'r's duty.

Board to appoint a committee to examine acc'ts.

Sec. 8. *Be it further enacted*, That the fund for Internal Improvement, subject to the order of the President and Directors of the Board, shall be deposited in the Bank of the State, and kept distinct and apart from all other funds; it shall be paid out by the Cashier of the Bank to the order of the Board, certified and subscribed by the Secretary and countersigned by the President; that the Cashier shall keep a fair and regular account of all such disbursements, and carefully preserve the certificates upon which the same shall have been made, and shall render an account thereof to the General Assembly at the same time at which he renders his annual account of the proceedings of the Bank; that once in every year the Board of Internal Improvements shall depute a committee of their body to examine the accounts of all disbursements made by order of the Board, during the year next preceding

the annual meeting of the board, and to compare these accounts with the Cashier's books, and the certificates giving authority for the payment of the several sums of money or stock entered therein.

Sec. 9. *Be it further enacted*, That it shall be the duty of the President and Directors of the Board of Internal Improvement, and they are hereby authorized, to subscribe in behalf of the State, to such public works as the General Assembly may from time to time agree to patronize, such portions of the funds for internal improvements as may be directed by law.

Sec. 10. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, with as little delay as practicable, to proceed to employ such engineer, surveyor, or draftsman, as may by them be deemed necessary, and to cause to be made all surveys, examinations, plans, drafts and estimates of such improvements as may be required, so as to exhibit the estimate of the cost of each particular part, together with a minute and accurate description thereof, which surveys, plans, drafts, examinations and estimates shall be reported to the next General Assembly by the Board of Internal Improvement: *Provided*, said Board shall not be in session more than thirty days in one year, and that the first attention of said Board shall be directed to the procurement of information as to the practicability of uniting the waters of the Tennessee with those of the Coosa river, together with the necessary estimates of removing the obstructions in the Coosa river.

Sec. 11. *Be it further enacted*, That it shall be the duty of the Board for Internal Improvement, after ascertaining as nearly as practicable, the expense of constructing such improvements, and ascertaining the cheapest and most durable manner of executing the same, under the express order and direction of the General Assembly, to contract with such person or persons as may offer to take the contracts for the execution of any of the improvements which may be contemplated: *Provided*, that the said Board shall not pay or contract to pay more than a full and reasonable value, according to the estimates for the said work: *Provided also*, that the said Board shall give public notice in at least three of the public newspapers of the State, for two months, of such offers to contract for such improvements as shall be required.

Sec. 12. *Be it further enacted*, That no member of the Board, or engineer, shall be a contractor for any part of the work, nor be concerned directly or indirectly in a contract with any other person or persons who may be a contractor or contractors for any part of the said improvements.

Sec. 13. *And be it further enacted*, That it shall be the duty of the Board of Internal Improvement to keep a fair and accurate record of all their proceedings, which shall be at all times open to the inspection of the members of the General Assembly, and of the President and Directors, and other officers of any company interested therein; that they shall report to the General Assembly, at or near the commencement of

Board to subscribe to such public works as the Legislature may direct.

To employ Engineer and cause to be made certain drafts, & report to Gen'l Assembly.

Proviso.

To let contracts.

Proviso.

To give notice of offers.

No member or Engineer shall be a contractor.

To keep a record of all proceedings, which shall be open to inspection

To report to Gen'l Ass'ly

every thing connected with their trust.

every session thereof, the exact state of the fund for internal improvement, the progress, condition, and net income of all the public works under their charge; the surveys, plans, and estimated expense of such works as they may recommend to the patronage of the General Assembly, together with such other important information as they may have it in their power to collect, in relation to the objects committed to their trust.

All expenses to be paid out of the fund for internal improvement.

Sec. 14. *And be it further enacted*, That every expenditure contemplated or authorized by virtue of the provisions of this act, shall be paid out of the fund hereby appropriated, and set apart as a fund for the internal improvement of the State of Alabama.

Gen'l Ass'bly may alter or repeal this act.

Sec. 15. *And be it further enacted*, That the General Assembly of the State of Alabama shall have power and authority, whenever they may deem the interest of the State requires it, to alter, amend, or repeal this act, or any part thereof.

Approved, January 15, 1830.

### AN ACT

To authorize the Register of the Land Office at Courtland to correct certain errors in the return of the Land Commissioners.

Register to correct errors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever it shall be made to appear to the Register of the Land Office at Courtland, from the oath of one or more of the Commissioners, that the particular company to which he or they belonged, have omitted to note any occupant to any tract of land which has been adjudged to him under the law, or by mistake noted an occupant to the wrong tract or improperly described the same in their return, it shall be his duty to make the necessary corrections and issue his certificate according to the intent and meaning of the Commissioners.

When two or more are returned as occupants.

Sec. 2. *And be it further enacted*, That when two or more persons are returned as occupants on the same tract of land, it shall be determined by the oath of either of the Commissioners, who valued the land, to which of the persons the particular tract was adjudged, and the Register shall issue his certificate accordingly.

Register authorized to administer oaths.

Sec. 3. *And be it further enacted*, That the Register be and he is hereby authorized, to administer all oaths required to be taken by applicants to enter lands in his office, and shall be entitled to receive the same fees as justices of the peace receive for similar services, and also the same fees for taking and certifying acknowledgements of transfer on certificates issuing from his office.

Certain lands to be placed in the third class.

Sec. 4. *And be it further enacted*, That all of said lands which were selected by the Commissioners and not classed, because valued by them at less than the minimum price of the lands of the United States, be, and the same are hereby placed in the third class, subject to be purchased by the proper occupants or entered by others at the minimum price of lands under the rules and regulations now prescribed by law for the entry of other lands.

Approved, January 9, 1830.

## AN ACT

To suspend the sale of the lands granted to the State of Alabama for the purposes of internal improvement.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Land Office at Courtland, established by act of the last General Assembly of this State, shall be closed until the first day of January next, at which time it shall be again opened and shall continue open for the entry of occupants until the first day of April, unless it is again closed in pursuance of law. Land office to be closed until the 1st of January.

Sec. 2. *Be it further enacted,* That it shall be the duty of the Governor of the State to make known the provisions of this act to the Register and Receiver at Courtland, with as little delay as practicable, and to require the said Register to publish the same in some newspaper printed in the town of Courtland. Governor to give notice to Register and Receiver.

Approved, November 27, 1829.

## AN ACT

1830.

To authorize the State to grant the old State House in the town of Cahawba to the county of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the State of Alabama to give to the county of Dallas the old State House in the town of Cahawba, together with the lot of land upon which it stands. Old state house given to Dallas.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Governor forthwith to make out and execute a deed of conveyance for the old State House and lot of land on which said House stands in the town of Cahawba, together with the appurtenances thereunto belonging, to the Judge of the County Court of Dallas county and his successors in office, for the use and benefit of said county, and the said deed shall be recorded in the books of the County Court of of said county. Governor make deed.

Approved, January 13, 1830.

## AN ACT

To amend an act entitled an act to regulate the licensing of Physicians to practice, and for other purposes therein named. Passed Dec. 23, 1823.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter there shall be but four Boards of Physicians within this State, one at Huntsville, one at Tuscaloosa, one at Selma, and one at Claiborne; to consist of two members in addition to the three already established by law at each of the aforesaid Boards, to be elected in the same manner as prescribed in the act to which this is an amendment. Medical Boards.

Sec. 2. *And be it further enacted,* That in addition to the present fees allowed by law, to the Medical Boards of this State, the further sum of five dollars be allowed them for granting permits during the recess of their regular meetings. Fees:

Sec. 3. *And be it further enacted,* That the fund arising from the examination and granting permits, license, &c. to applicants, be appropriated in any manner that a majority of the Medical Board may think proper. How applied,

License to  
practice.

Sec. 4. *And be it further enacted*, That the license or permits bearing the signature or signatures of any one of the Medical Boards from which it purports to have been given, shall be a sufficient voucher in any court of justice in this State, to establish the authority of the person to whom the same may have been given.

Med. boards  
to communi-  
cate with each  
other.

Sec. 5. *And be it further enacted*, That it shall be the duty of the Medical Boards to communicate to each other annually, giving the names of such applicants as may have been licensed to practice, which communications shall be respectively addressed to the President of the Medical Board.

Repeal.

Sec. 6. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 15, 1830.

### AN ACT

Making an appropriation for the increase of the Supreme Court Library.

\$500 appro-  
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five hundred dollars be and the same is hereby appropriated to the Library Company of the Supreme Court, for the increase of said Library, to be paid out of any monies in the Treasury not otherwise appropriated; on the express condition, that the members of the General Assembly for the time being, and the Executive officers shall be members of the said Library Company, under the same rules and regulations as other members of said Company. Approved, January 14, 1830.

Condition.

1829.

### AN ACT

Concerning the dismissal of suits at common law.

Suits may be  
dismissed in  
vacation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for the plaintiff or plaintiffs in any suit at common law, now pending or hereafter to be commenced, in any court of record in this State, to dismiss his, her, or their suit at any time in vacation on application to the clerk of the Court in which said suit is or may be pending, upon giving the defendant or defendants, his, her or their attorney six days notice of such application: *Provided*, that the notice aforesaid shall not be required in suits in which the writ has not been executed.

Proviso.

Clerks to  
take confes-  
sions of  
judgements  
for costs.

Sec. 2. *And be it further enacted*, That the clerks of said Courts shall, before dismissing said suit, take a confession of judgement for the costs which may have accrued on the same up to the time of said dismissal, and he shall have full power and authority to issue execution therefor in the same manner and under the same regulations as executions are now issued upon judgements rendered by the Circuit and County Courts of this State: *Provided*, that the costs shall be paid before dismissal in all cases in which the plaintiff or plaintiffs do not reside in this State.

Repeal.

Sec. 3. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

Approved, December 29, 1829.



## AN ACT

To prevent the evil practice of betting on elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person or persons who shall hereafter make any bet or wager of money or any other valuable thing upon any election or elections in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon indictment or presentment in the Circuit Court of the county in which such offence shall have been committed, shall be fined in a sum not exceeding fifty dollars at the discretion of the jury by whom such offender is tried; which said fine shall be paid into the county treasury and constitute a portion of the county revenue.

Penalty.

Sec. 2. *Be it further enacted,* That it shall be the duty of the Judges of the Circuit Courts of this State to give this act in charge to the grand jury of each and every county in their respective circuits.

Judges to charge grand juries.

Sec. 3. *And be it further enacted,* That this act shall be in force from and after the first day of June next.

When to take effect.

Approved, January 14, 1830.

## AN ACT

Making permanent the act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama, approved, January 6th, 1829

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act approved January 26th, 1829, entitled "an act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama," shall apply and be in force hereafter in all its directions, responsibilities and conditions to all amendments of the constitution of this State, which have or may be proposed by the Legislature, to the people of this State.

See act Jan. 26, 1829.

Approved, January 14, 1830.

## AN ACT

Supplemental to an act passed the 14th of December, 1827, prescribing the mode of contesting elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter when any person being a qualified voter of the proper county or district, shall contest the election of any one who may be declared to be elected as a member to either branch of the General Assembly of this State, it shall be his duty to give the person whose election he disputes, a notice in writing, setting forth the grounds for such contest, which notice shall, by the sheriff, coroner, or some constable of the proper county, be served personally upon the party whose election is contested, or a copy thereof left at his usual place of residence, within thirty days after the day upon which said election shall have been holden.

Notice of contest how to be served.

Notice to  
take deposi-  
tions, how  
served.

Penalty on  
certain offi-  
cers for bet-  
ting on elec-  
tions.

Returning  
officer to fur-  
nish a list of  
voters.

Fees.

Penalty.

Sec. 2. *And be it further enacted.* That notices to take depo-  
sitions by either party, may be served by the sheriff, coroner,  
or any constable of the proper county, by leaving a copy at  
the usual place of residence of the party against whom the tes-  
timony is to be used.

Sec. 3. *And be it further enacted,* That if any sheriff, deputy  
sheriff, coroner, constable, or other person who may be con-  
cerned in holding, conducting or managing any election as offi-  
cers, judges, clerks, or otherwise, shall wage or bet any money  
or thing of value upon the event of such election, such person  
or persons so wagering or betting, shall be liable to indictment or  
presentment in the Circuit Court of the proper county, and  
upon being thereof convicted, shall be fined in such sum as may  
be assessed by the jury trying the cause, not less than fifty dol-  
lars; and if the person so convicted be a sheriff, coroner, or  
constable, he shall thereupon be impeached and removed from  
office.

Sec. 4. *And be it further enacted,* That it shall be the duty  
of the returning officer within ten days after any election, at the  
request of any person contesting an election, or desirous of con-  
testing the same, to cause a true copy of the list of voters and  
the number of votes for each candidate to be made out, certified  
and signed by him and delivered to the person requesting the  
same, and for which he shall have a right to demand and receive  
twelve and one half cents for each hundred words contained in  
said copy, from the person for whom it is made, before he shall  
be compelled to deliver the same; and any returning officer  
who fails or refuses to comply with this duty shall, on convic-  
tion, be liable to be indicted and fined in such sum as a jury  
shall assess, not less than five hundred dollars.

Approved, January 15, 1830.

#### AN ACT

Making an appropriation to pay the balance of the amount to which the  
Commissioners of the State Capitol were authorized by law to contract,  
and for which there has been no appropriation.

Out of what  
sum paid.

Section 1. *Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened,*  
That on the order of a majority of the Commissioners appoint-  
ed to contract for the erection of the State Capitol, the Comp-  
troller of public accounts shall issue his warrant on the Treasury  
of this State for the balance of fifty-five thousand dollars, the  
amount to which the Commissioners aforesaid were by law  
authorized to contract that has not heretofore been appropri-  
ated, and the aforesaid amount shall be paid out of any monie  
in the Treasury not otherwise appropriated.

Approved, January 1, 1830.

#### AN ACT

To regulate certain proceedings of County Courts.

Section 1. *Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened*  
That whenever any last will and testament shall have been, fo-  
or during the space of one year, proven and recorded in any

county of this State in the manner the law directs, and such last will and testament shall be required to be proven in any other Judge of the county court of the United States, to enable the executors or administrators in certain cases to allow with the will annexed to comply with its provisions, or some will to withdraw part of the provisions thereof; it shall be the duty of the judge of the County Court in which such will and testament shall be, drawn. to allow the executor or executors, or administrators, to withdraw the will for the purposes aforesaid.

Approved, January 14, 1830.

### AN ACT

To reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties

Whereas, an examination into the conduct of the Commissioners appointed to examine, value and select the 400,000 acres of public lands has been made, and upon full and ample proof this General Assembly has become satisfied that the Commissioners have performed their respective duties according to the best of their judgements: And whereas, this General Assembly, from the most abundant proof, is also satisfied that the lands in the counties of Morgan and Madison, have, by the Commissioners who valued those counties, been valued at a price so much above their intrinsic value, that they cannot be sold at their present assessed prices, therefore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Register be, and he is hereby authorized to appoint one Commissioner from each of three of the companies of Commissioners who valued the relinquished lands to assemble and revalue the relinquished land in Madison and Morgan counties, that have been valued above one dollar and twenty-five cents per acre, and place what they esteem the fair and intrinsic value on the same, and return the prices so assessed to the Register of the Land Office at Courtland, and after said return the occupants shall have sixty days allowed to make entries of their occupancies at the prices fixed by said Commissioners.

Register to appoint three commissioners to revalue lands in Madison and Morgan.

Sec. 2. *And be it further enacted,* That said occupants may enter said lands in Madison and Morgan upon the same terms of payment in every respect with the occupants of other counties, and their second instalment shall become due the first day of March, 1831, and each subsequent instalment annually thereafter: *Provided,* that in all cases of entry made under this act, the person or persons entering the same, shall take the same oath, or make the same affirmation that is required to be taken by occupants by an act passed on the 20th day of January, 1829, entitled an act to authorize the State of Alabama to sell and dispose of certain lands therein named.

Occupants in Madison and Morgan.

Sec. 3. *And be it further enacted,* That said Commissioners be allowed four dollars per day while employed in the discharge of their duties, *Provided,* the amount paid to each shall not exceed two hundred dollars.

Commissioners compensation.

Sec. 4. *And be it further enacted,* That the Receiver of the Land Office be, and he is hereby authorized to pay out of any

monies received in the office aforesaid, the amount due to each of said Commissioners, so soon as they shall have completed said re-examination and valuation, and made due return of the same to said office: *Provided*, they and each of them shall make out a statement of the sum due, and shall subscribe an oath or affirmation to its correctness.

Approved, January 15, 1830.

### AN ACT

To change the times of holding the County Courts of certain counties therein mentioned.

**In Clarke.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the County Courts of Clarke county shall hereafter be holden on the third Mondays in June and December, annually, instead of the times heretofore established by law.

**In Pickens.** Sec. 2. *And be it further enacted*, That the County Courts of Pickens county shall hereafter be holden on the first Mondays in June and November, annually.

**Process.** Sec. 3. *And be it further enacted*, That all process which may have been issued previous to the time when this act shall take effect, returnable to any term of the County Courts, of either of the above counties, as heretofore established by law, shall be deemed and taken in the same manner as if such process had been actually made returnable to the terms provided for by this act.

**Commencement.** Sec. 4. *And be it further enacted*, That this act shall take effect and be in force from and after the first day of March next, any law to the contrary notwithstanding.

**In Blount.** Sec. 5. *And be it further enacted*, That the County Courts of Blount county shall commence their sessions on the third Mondays in February and August, and continue the time now prescribed by law, and process heretofore issued or which may hereafter issue, and made returnable to the former times of holding the said Courts, shall be returnable to the terms as in this act expressed.

**When to take effect.** Sec. 6. *Be it further enacted*, That this act shall be in force and take effect from and after the passage thereof, so far as the county of Blount is concerned, and repeal all laws or parts of laws coming within the purview and meaning thereof.

Approved, January 16, 1830.

### AN ACT

To change the time of holding Courts in the first Judicial Circuit.

**Spring terms in Conecuh.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the spring terms of the Circuit Courts in the first Judicial Circuit shall be holden at the times following, to wit:—In the county of Conecuh on the second Mondays in March in each and every year, and may continue one week; in the county of Monroe on the third Monday in March, and may continue two weeks; in the county of Clarke on the first Monday after the fourth Monday in March, and may continue one week; in the county of Washington on the second Monday

after the fourth Monday in March, and may continue one week; in the county of Baldwin on the third Monday after the fourth Monday in March, and may continue one week; in the county of Mobile on the fourth Monday after the fourth Monday in March, and may continue till the business before said Court is disposed of.

Sec. 2. *And be it further enacted,* That the fall terms of the Circuit Courts of the first judicial circuit shall be holden as follows, to wit:—In the county of Washington on the second Monday in October, and may continue one week; in the county of Clarke on the third Monday in October, and may continue one week; in the county of Monroe on the fourth Monday in October, and may continue two weeks; in the county of Conecuh on the second Monday after the fourth Monday in October, and may continue one week; in the county of Baldwin on the third Monday after the fourth Monday in October, and may continue one week; in the county of Mobile on the fourth Monday after the fourth Monday in October, and may continue till the business before said Court be disposed of.

Sec. 3. *And be it further enacted,* That all process and recognizances of every kind or nature, returned or returnable to the Circuit Courts in the counties above specified, or which may hereafter be issued, shall be returned to the terms of the Courts respectively as provided for in this act.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening this act shall be repealed. Approved, January 20, 1830.

### AN ACT

To change the time of holding the Circuit Courts in the counties of Henry, Dale, Covington, Baldwin and Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Circuit Courts for the county of Henry instead of being held only three judicial days, shall hereafter be allowed to continue in session six judicial days.

Sec. 2. *And be it further enacted,* That the Circuit Court of the county of Dale shall commence on the second Monday after the fourth Monday in March and September, and may continue in session three judicial days; and that the Circuit Court of the county of Covington shall commence on the first Thursday after the second Monday after the fourth Monday in March and September, and continue in session until all the business before said Court is disposed of.

Sec. 3. *And be it further enacted,* That all suits, and business of every description, nature or kind, continued to, or returnable to the next terms of said Courts shall stand continued to and be returnable into the said Courts at the times herein established.

Sec. 4. *And be it further enacted,* That the spring term of the Circuit Court of Baldwin county shall hereafter be holden on the fourth Monday after the fourth Monday in February, in

**Fall term.** each year, and may continue its session one week: that the fall term of said Circuit Court shall hereafter be holden on the third Monday after the fourth Monday in October, in each year, and may continue its session one week; that the spring term of the Circuit Court of Mobile county shall hereafter be holden on the fifth Monday after the fourth Monday in February, in each year, and may continue its session until all the business of said Court be disposed of. And that the fall term of said Circuit Court shall hereafter be holden on the fourth Monday after the fourth Monday in October, in each year, and may continue its session until all the business of the said Court be disposed of; any law to the contrary thereof in any wise notwithstanding.

Approved, January 13, 1830.

### AN ACT

To extend the powers of the County and Orphans Court in certain cases, and for other purposes.

Decrees on  
acts of ex'rs  
and adm'rs to  
have the force  
of judgments

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all decrees made by the Orphans Court on final settlements on the accounts of executors, administrators and guardians shall have the force and effect of judgements at law, and executions may issue thereon, for the collection of the several distributive amounts against such executor, administrator or guardian.

Distributee  
heir or devise  
may take out  
writs of execu-  
tion.

Sec. 2. *And be it further enacted,* That when distribution of real or personal estate is decreed by the said Court, that each distributee, heir or devisee, may and shall have his or her writ of execution or attachment, one or both, in the case of personal estate; and in the case of real estate or writ of *habere facias possessionem*, against the executor, administrator or guardian; and the sheriff to whom such writ shall be directed shall execute the same according to the commands thereof.

County co'rts  
may issue  
writs of at-  
tachment.

Sec. 3. *And be it further enacted,* That the County and Orphans Courts respectively, shall have full power and authority to issue writs of attachment, or other writs necessary to enforce their orders, judgements and decrees.

Approved, January 16, 1830.

### AN ACT

To give the Circuit Courts of this State power to render judgements final against the security in writs of error bond.

Circuit courts  
may render  
judg'ts final  
against secu-  
rities in writs  
of error bond.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the same power and authority as is now vested in the Supreme Court of this State to render judgement final against the security in bonds for the prosecution of appeals or writs of error to said Court, be and the same is hereby vested in the Circuit Courts of this State upon all bonds for the prosecution of appeals or writs of error from the County Courts of the State to the said Circuit Courts.

Repeal.

Sec. 2. *And be it further enacted.* That all acts or parts of acts contrary to the true meaning and intent of this act, be and the same are hereby repealed.

Approved, January 9, 1830.

## AN ACT

To authorize the courts of this State to render final judgement against the security of non residents for costs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all bonds hereafter made by non-resident plaintiffs for the prosecution of suits in the County or Circuit Courts, and to secure the costs of such suits, and all bonds given by non resident defendants for the forthcoming of property attached, it shall be lawful for such Courts, at the time of rendering final judgement in the cause, to render judgement against the security of such non-residents for the costs adjudged, or for the costs and value of the property replevied.

Courts may render final judgement against securities of nonresidents.

Sec. 2. *And be it further enacted,* That when judgement shall be given against any non resident defendant and his or her security on any bond for the forthcoming of property attached, as contemplated in the first section of this act, it shall be lawful for the Court trying the cause to direct a jury to be empanelled to assess the value of the property so replevied together with the damages that may have accrued.

When judgement is given against non-residents for forthcoming of property, jury to assess value of property.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Repeal.

Approved, January 9, 1830.

## AN ACT

To alter the time of holding the County Courts in the counties of Marion and Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the County Courts for the trial of cases in and for the county of Marion shall commence and be holden on the fourth Mondays of May and November in each and every year and may continue in session six judicial days, and that the County Courts of the county of Dallas shall hereafter be holden on the fourth Mondays in June and December, in each and every year, in lieu of the times now prescribed by law.

Marion co'ty court when held.

Dallas.

Sec. 2. *And be it further enacted,* That all matters and things properly cognizable in said Courts that now are or may hereafter be pending therein, shall be tried and determined at the times as established by this act, and all writs and other process heretofore issued and made returnable to the County Court of the county of Marion on the third Monday in February next, shall be, and the same are hereby made returnable to said County Court on the fourth Monday in May next: *Provided,* that none of the provisions of the foregoing sections of this act, shall, so far as they relate to the county of Dallas, take effect or be in force until after the first day of February next.

Process when returnable.

Proviso.

Approved, January 16, 1830.

## AN ACT

1829.

To alter the times of holding the county courts of Jefferson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the County Courts of Jefferson county shall be

Jefferson co. court when held.

holden on the fourth Mondays in February and August in each and every year, and shall continue in session for six days, if the business of the Court should require it.

When to take effect.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of March next.

Approved, December 17, 1829.

### AN ACT

To alter the times of holding the Circuit Courts of certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*,

Franklin circuit court.

That the Circuit Courts of the county of Franklin shall hereafter commence on the second Monday in February and August in each and every year, and continue in session for the term of two weeks; for the county of Marion on the fourth Monday in February and August, and hold one week; in the county of Pickens on the first Monday after the fourth Monday in February and August, and continue in session one week; for the county of Fayette, on the second Monday after the fourth Monday in February and August, and hold one week; in the county of Walker on the third Monday after the fourth Monday in February and August, and hold one week; in the county of Blount on the fourth Monday after the fourth Monday in February and August, and hold one week.

Marion.

Pickens.

Fayette.

Walker.

Blount.

Greene.

Tuscaloosa.

Jefferson.

Shelby.

St Clair.

Process when returnable.

Sec. 2. *And be it further enacted*, That the Circuit Courts of the county of Greene shall hereafter commence on the third Monday in March and September, and hold two weeks; in the county of Tuscaloosa on the first Monday after the fourth Monday in March and September, and hold three weeks; in the county of Jefferson on the fourth Monday after the fourth Monday in March and September and hold one week; in the county of Shelby on the fifth Monday after the fourth Monday in March and September, and hold one week; and in the county of St. Clair on the sixth Monday after the fourth Monday in March and September, and hold one week.

Sec. 3. *And be it further enacted*, That all writs and other process which have been issued or may hereafter be issued returnable to the Circuit Courts of said counties as heretofore established by law, shall be deemed in law returnable to said courts as herein above established.

Approved, January 16, 1830.

### AN ACT

Repealing in part an act passed at the annual session of the General Assembly for the year eighteen hundred and twenty-nine, changing and designating the time of holding the Circuit Courts in the seventh and third Judicial Circuits, for the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act as relates to the time of Holding the Circuit Courts of the seventh Judicial Circuit, passed at the annual session of the legislature for eighteen hundred and twenty-nine, be, and the same is hereby repealed, and that hereafter the said Circuit Courts shall be held as follows, to

Franklin Circuit Courts when held.



wit: The Circuit Court of Franklin county shall commence on the third Mondays in February and August, and may sit two weeks; the Circuit Courts of Marion county shall commence on the second Monday after the third Monday in February and August, and may sit one week; the Circuit Court of Pickens county shall commence on the third Monday after the third Monday in February and August and may sit one week; the Circuit Court of Fayette county shall commence on the fourth Monday after the third Monday in February and August, and may sit one week; the Circuit Court of Walker county shall commence on the fifth Monday after the third Monday in February and August, and may sit one week; the Circuit Court for the county of Blount shall commence on the sixth Monday after the third Monday in February and August, and may sit one week: and all writs, subpœnas, and other process which is now or may hereafter be made returnable to any of said Courts, shall be considered and held as if made returnable to the time provided by law for holding said courts in this act.

Marion.

Pickens.

Fayette.

Walker.

Blount.

Process when returnable.

Approved, January 20, 1830.

### AN ACT

To amend an act to authorize the building of a jail in Morgan county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the County Court and commissioners of revenue and roads of Morgan county, or their successors in office, be, and they are hereby authorized (if it shall be thought necessary,) for the completion of said jail, (after the year one thousand eight hundred and thirty) to levy and collect a special county tax, not exceeding fifty per cent on the state tax, and to continue the same from year to year until the fund arising thereby shall be sufficient to defray all the expenses incurred in building said jail.

County Court may levy tax to build a jail.

Sec. 2. *And be it further enacted,* That the judge and commissioners aforesaid be, and they are hereby authorized to loan at interest any money that is or may hereafter be in the hands of the county treasurer or taxcollector of said county, levied for the purpose of building a jail in the said county of Morgan: *Provided,* the person to whom said money is loaned, with two good and sufficient securities, each worth double the sum loaned, shall before the judge of said county court confess judgement for the amount loaned and interest thereon, with a stay of execution for such time as may be agreed upon: *Provided also,* such stay shall not be for a longer time than twelve months

County Court authorized to loan a certain fund.

Proviso.

Approved, January 13, 1830.

### AN ACT

To regulate the interchange of the Circuit Judges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in future it shall be the duty of the Circuit Judges to so alternate that no Judge shall preside in the same circuit oftener than one term in three, except that they may hold special courts as heretofore required by law.

Approved, January 15, 1830.

Amendatory of the laws of this State on the subject of confining prisoners committed upon process from the Courts of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the keepers of the common jails in the several counties of this State shall not be compelled to receive any prisoner committed upon process from the courts of the United States, unless at the time of such commitment there be a good and sufficient jail in the county in which such prisoner may be confined; but if there be a good and sufficient jail, then the keeper of any such jail is hereby required to receive such prisoner under the like pains and penalties for neglect of duty as they now are by law in the case of prisoners committed under the authority of the State.

Jailer not compelled to receive prisoners from U. S. Courts unless the jail be good.

Marshal to be responsible for jail fees on commitment at suit of U. S.

Sec. 2. *And be it further enacted,* That when any prisoner shall be so committed at the suit of the United States, the marshal making such commitment shall become individually responsible to the jailer for all prison fees, as well as for the fifty cents per month for each prisoner agreeably to a resolution of the Congress of the United States of the twenty-third September, seventeen hundred eighty-nine.

Debtors committed upon process from U. S. Courts how to be discharged.

Sec. 3. *And be it further enacted,* That when debtors on judgements in civil causes obtained in courts of the United States, shall be committed to any of the jails of this State by process of execution, unless the plaintiff in such execution shall comply with the existing laws of this State at the time such debtor may be discharged from prison, in the same manner as though such debtor had been confined under process issuing from the Courts of this State.

Repeal.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening any of the provisions herein contained, be, and the same are hereby repealed.

In case of commitment by plaintiffs other than U. S. Marshal to secure fees.

Sec. 5. *And be it further enacted,* That the several sheriffs of the several counties in this State in which there may be sufficient jails for the safe keeping of prisoners shall not be bound to receive from the marshal for the district of Alabama, any prisoner on process from the District Courts of the United States, in civil suits when the United States shall not be plaintiff unless the marshal shall secure such sheriff for the amount of prison fees.

Approved, January 7, 1830.

## AN ACT

For the relief of securities in Bank.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter if any person or persons who may have executed any note or notes payable to the President and Directors of the Bank of the State of Alabama as security or securities shall pay the same after it shall have been protested for non-payment, such security or securities shall have the same summary remedy against the principal in such note as is now provided by law in favor of said Bank for the recovery of any sum or sums so

Security's remedy against principal.

paid by such security or securities and costs of protest; and the certificate of the President of said Bank, of the payment so made by such security or securities, shall be sufficient evidence of such payment. President's certificate evidence.

Sec. 2. *And be it further enacted*, That hereafter if any person or persons who may be bound for the payment of any bill of exchange, the property of the Bank of the State of Alabama, shall pay the same after it shall have been protested for non-payment, the person or persons so paying such bill, shall have the same summary remedy against the drawer, acceptor or any previous endorser of such bill or any one of them, as is provided by the first section of this act in favor of the securities of notes against their principals, for the sum paid on such bill and all costs and damages occasioned by protest, and the certificate of the President of said Bank, of the payment of any such bill by any such person or persons, shall be sufficient evidence of such payment. Remedy against drawer &c.

Sec. 3. *And be it further enacted*, That the remedy by this act provided, shall be had in any Court having competent jurisdiction, either in the county where the said Bank may be located, or in the county of the residence of the defendant or defendants or either of them. Remedy where had.

Approved, January 19, 1830.

### AN ACT

To authorize certain persons to practice law in this State.

Whereas, the Governor and Legislative Council of the Territory of Florida have, by their act, authorized counsellors and attorneys at law residing within this State to practice law in the Courts of that Territory under certain restrictions :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any counsellor or attorney at law residing within the Territory of Florida, be, and he is hereby authorized to practice law in the several Courts of this State, upon producing to the Court in which he may be desirous to practice the certificate of some Judge of a Superior Court of Florida, that he is legally authorized to practice in the Courts of that Territory as counsellor or attorney, and that he sustains a fair and reputable character as such: *Provided*, he shall take and subscribe the several oaths prescribed by the laws of this State to be taken and subscribed by the counsellors and attorneys residing within this State. Attornies in Florida authorized to practice in this State upon certain conditions.

Approved, January 13, 1830.

### AN ACT

1829.

To change the mode of compensating jurors in the county of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act to provide for the payment of petit jurors in the counties therein named, and for other purposes, approved December twenty-fifth, eighteen hundred and twenty-four, so far as the same relates to the county of Pike, be, and the same is hereby repealed. Jurors in Pike.

Sec. 2. *And be it further enacted*, That the laws repealed by the passage of said act, be, and the same are hereby re-enacted, so far as relates to said county. Approved, December 29, 1829.

## AN ACT

To authorize the Court of Revenue and Roads for Madison county to make an appropriation for the support of Isham Burk, a pauper of Madison county.

Allowance  
for Isham  
Burke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Revenue and Roads for the county of Madison, be and they are hereby authorized to make such an allowance for the support of Isham Burk, a pauper in the county of Madison as they may think proper and right, and that they may authorize some person to take charge of, and support the said Isham Burk, any law to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That this act shall be in force from and after the passage thereof. Approved, January 13, 1830.

## AN ACT

To authorize the County Courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed.

Records in  
relation to es-  
tates of dec'd  
persons &c,  
to be trans-  
cribed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and the Commissioners of roads and revenue for said counties be, and they are hereby authorized to employ some suitable person to transcribe, in a fair legible hand into well bound books to be purchased by said Court, the whole record remaining in said counties in relation to the estates of deceased persons and orphans business of every description, including bonds; for which service the person so employed as aforesaid, shall be entitled to receive a reasonable compensation, to be paid out of the county treasury by order of said court: *Provided,* that no person shall be employed to make a record of any matter transacted since the first Monday in August last.

Compensa-  
tion.  
Proviso.

Recorder to  
take oath,

To make in-  
dex.

County  
courts to in-  
spect the re-  
cords of the  
Orphan's  
Court.

Penalty on  
clerks.

Sec. 2. *Be it further enacted,* That the person so employed as aforesaid, shall take and subscribe an oath faithfully to discharge his duty, according to law and it shall be his duty to make a fair and correct index to the whole record.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Judges of the County Courts and Commissioners aforesaid, at least once a year, to inspect the records of the Orphans' Court, and should it appear to them that the clerk has failed or neglected to record the proceedings of said Orphans' Court agreeably to law, it shall be their duty to impose a fine on such clerk of twenty dollars in addition to all other fines and penalties imposed by law.

Approved, January 20, 1830.

## AN ACT

To regulate the county tax of Franklin county.

County tax  
not to exceed  
one half of  
the State tax,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the county tax of the county of Franklin shall not exceed one half of the amount of the State tax.

Sec. 2. *And be it further enacted,* That all acts and parts of acts contravening the provisions of this act shall be and the same are hereby repealed.

Approved, January 15, 1830.

To establish the County of Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of country included within the following limits, to wit: begining at the Alabama river where the range line between ranges twelve and thirteen crosses the same the second time; thence southwardly to the road leading from Cahawba to Montgomery, one mile below Peter Robertson's store; thence along said road as it now runs, to where the same crosses Old Town creek near the plantation of James Maul; thence up the main channel of said creek to where the main branch thereof crosses the Township line between fourteen and fifteen; thence west along said line till it strikes the range line between townships eleven and twelve; thence south to the township line between twelve and thirteen; thence east along said township line to the centre of the twelfth township and twelfth range; thence south to the centre of the township line between eleven and twelve; thence east to the range line between ranges fifteen and sixteen; thence a direct line to where the range line, between ranges sixteen and seventeen, crosses the township line between townships ten and eleven; thence east to the range line between range eighteen and nineteen; thence north along said line to where the same crosses the township line between township eleven and twelve; thence west to where said township line crosses the range line between ranges seventeen and eighteen; thence north to where range line crosses the township line between townships twelve and thirteen; thence west to where said line crosses the range line between ranges sixteen and seventeen; thence north to where said range line crosses Pintlala creek; thence down said creek to the Alabama river; thence across said river and down the western bank of the same, opposite the place of beginning, shall constitute and form one county, to be called and known by the name of Lowndes.

Boundary of  
Lowndes.

Sec. 2. *And be it further enacted,* That all officers, civil and military, who shall fall within the county of Lowndes, shall remain and continue in the discharge of their respective duties during the time for which they were elected.

Officers continued.

Sec. 3. *And be it further enacted,* That all that part of Wilcox county that was added to Clarke the last session of the Legislature, be and the same is hereby added to and shall form a part of Wilcox county.

Part of Clarke  
added to Wilcox.

Approved, January 20, 1830.

AN ACT

To organize the county of Lowndes, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff of Montgomery county to hold an election in the county of Lowndes on the first Monday in March next, for the election of four commissioners of roads and revenue of said county; a sheriff of said county; tax

Sh'ff of Montgomery to  
hold election  
in Lowndes  
1st Monday of  
March next  
tax officers.

and a clerk of the circuit and county courts of the said county, Certain elec- who when elected shall hold their offices in the manner now tion precincts prescribed by law; and the several election precincts hereto- continued. fore established, which fall within the county of Lowndes, are hereby continued.

**Judge of the** Sec. 2. *And be it further enacted,* That it shall be the duty of the judge of the county court of said county, in conjunc- co. court and tion with the sheriff and clerk of the circuit court of said coun- clerks to order election ty, as soon as the whole shall have been elected and qualified, for a perma- to direct and order an election to be held for a permanent seat of justice. seat of justice for said county, at which election all the quali-

**Who to vote.** fied electors of said county shall be entitled to vote, and the place receiving the highest number of votes shall be, and is **Majority to** hereby established as the permanent seat of justice: *Provided, select site. that the seat of justice shall be at Fisher's store until a per- **Proviso.** manent site be selected.*

**Marengo at-** Sec. 3. *And be it further enacted,* That the county of Ma- tached to 3rd rengo be, and it is hereby attached to the third judicial circuit, judicial cir. and the circuit court shall be therein held on the second Mon- Circuit courts when held. days in March and September, and may continue in session six Process when judicial days, and all writs and other process heretofore issued, returnable. shall be returnable at the said court.

**Lowndes at-** Sec. 4. *And be it further enacted,* That the county of tached to 2nd Lowndes be, and the same is hereby attached to the second circuit. circuit, and the circuit court shall be held therein on the third Circuit courts Mondays after the fourth Mondays in April and the sixth Mon- when held. days after the fourth Mondays in September, and may continue in session until all the business is disposed of.

**Compensa-** Sec. 5. *And be it further enacted,* That the sheriff of tion to sh'ff Montgomery shall be entitled to receive the sum of twenty- Montgomery. five dollars for holding the election in the said county of Lowndes, to be paid out of the county treasury of Montgomery county.

**Fall terms of** Sec. 6. *And be it further enacted,* That the fall term of the county court of Marengo county, for the trial of civil causes, of Marengo. shall be holden on the second Monday in August in each and every year, instead of the first Monday in September, as provided for in an act passed at the last session of the General Assembly, passed the twenty-ninth of January, eighteen hundred and twenty-nine, and the county courts of Lowndes county shall be held on the third Mondays in May and November.

Approved, January 20, 1830.

1829.

#### AN ACT

Making an appropriation for the payment of the Members and Officers of the present General Assembly.

**\$30,000 ap-** Section 1. *Be it enacted by the Senate and House of Repre- propriated. *sentatives of the State of Alabama in General Assembly convened,* That the sum of thirty thousand dollars be, and the same is hereby appropriated for the payment of the members of the present General Assembly, and the officers of the two Houses, out of any money in the State Treasury not otherwise appropriated.*

Approved, December 23, 1829-

## AN ACT

To authorize the inhabitants of township two, range one, east, in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved January the fifteenth, one thousand eight hundred and twenty-eight, entitled an act to authorise the sales of the sixteenth sections, and for other purposes, be, and the same is hereby revived and continued in full force until the first day of January eighteen hundred and thirty-one, so far as the same relates to the sixteenth section, of township two, range, one east, in the county of Madison, and the sixteenth section of township nineteen, range two, east, in Shelby county: *Provided, however,* that the school commissioners shall not be required to pay into the Bank of the State of Alabama any monies they may now have, or that they may hereafter receive, belonging to said section, but shall be authorized to expend the same for the purposes of education in said township, after defraying the expenses of surveying and selling the said section, should the inhabitants determine on a sale: *And provided further,* that this act shall not extend to any rents hereafter to be made.

Act 15th Jan.  
1828, author-  
ising sales  
16th sec. re-  
vived, as far  
as it relates  
to certain sec-  
tions,

Proviso.

Further pro-  
viso.

Sec. 2. *And be it further enacted,* That the provisions of the said act be also revived and continued in force for the time aforesaid, so far as relates to the sixteenth section of township thirteen, range nine, east, in the county of Wilcox.

Section in  
Wilcox

Approved, January 15, 1830.

## AN ACT

To discontinue and establish certain election precincts therein specified:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election precincts heretofore established by law at the places following, to wit: At Michael Carter's, in the county of Covington; at James A. M'Elroy's and at Marrs' in the county of Dallas; at William Adams' on Turkey creek, and at the house of Jonathan Massey in Jefferson; at Asa Arrington's in the county of Butler; at Stephen Day's in the county of Wilcox; at Daniel Lewis' and William Cart-r's in the county of Pike; at John Easter's in the county of Blount; at Walter Chiles' in the county of Marengo; at Jacob M'Ghee's in the county of Lauderdale; at Jacob Page's on Spring Hill; at Fort Stoddart, and Jesse Lott's, in the county of Mobile; at Langham's place, and at Robert Bowling's in the county of Washington; and at Thomas Gos', and at John Hill's in the county of Bibb; be and the same are hereby abolished and discontinued.

Precincts ab-  
olished in  
Covington.

Dallas.  
Jefferson  
Butler  
Wilcox  
Pike  
Blount  
Marengo  
Lauderdale

Mobile  
Washington  
Bibb

Sec. 2. *And be it further enacted,* That election precincts be and the same are hereby established at the places following, to wit: One at the store of Thomas Howell; one at the store of Thomas Guy; one at Tarver's mills; and one at the store of Messrs Hie and Pence, in the county of Dallas;

Precincts es-  
tablished in  
Dallas

	one at the house of William Blackshear, one at the house of Moses Baldwin, one at the house of William S. Edwards, and one at each captain's muster ground, in the county of Pike ;
Pike	one at the house of James Hall on Yellow river, and one at the house of David Dazer, in the county of Covington ; one
Covington	at each captain's muster ground in the county of Dale ; one
Dale	at the house of Green Powells on Turkey creek in the county
Jefferson	of Jefferson ; one at the house of Matthias Jones on the
Butler	ridge in the county of Butler ; one at the store house of Dr. Abija Miller on Wolf creek, and one at the house of Frederick Carns in the county of Wilcox ; one at the house of
Wilcox	Martha Johnston in the county of Marengo ; one at the house
Marengo	of William Jourdon in the county of Blount ; one at John
Blount	H. Cornish's spring in the county of Lauderdale ; one at the
Lauderdale	house of Jacob G. Collins on Spring Hill, and one at Mount
Mobile	Ve non in the county of Mobile ; one at the house of Hiram
Washington	Mongers in the county of Washington ; one at the house of
Pickens	Nathan Myers in the county of Pickens ; one at the house of
Montgomery	Joseph Fealds in the county of Montgomery ; one at Moore's
Monroe	store near Bell's landing in the county of Monroe ; one at the
Fayette	house of William Hickman, Esq. in the county of Fayette ;
	one at the house of Dempsey Bonner, and at Samuel D.
Tuscaloosa	Read's on Crabb's road, in the county of Tuscaloosa ; one at
Lawrence	the house of Samuel Elliott in the county of Lawrence ; and
	one at the house of Ezekiel Miller, and at Evan Caffear in
Bibb	the county of Bibb ; one at the house of William Warrens in
Greene	the county of Greene.

Approved, January 20, 1830.

### AN ACT

Further to provide for the location of the seat of justice in Pickens county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles M. Holland, Robert Jemison, Morris Herndon, George J. Ragsdale, and William Wilson be, and the same are hereby appointed commissioners to select the most suitable site for a seat of justice, within three miles of the centre of Pickens county, taking into consideration all that part of the State of Alabama now occupied by the Choctaw tribe of Indians, north of a line drawn due west from the junction of the Sipsey and Tombeckbe rivers, to the State line of Mississippi, together with the limits of Pickens county at the time they shall act on that subject.

To ascertain the centre of the county & locate seat of justice within 3 miles of it.

Sec. 2. *And be it further enacted,* that the said commissioners or a majority of them, (they being first duly sworn,) shall within two months after the passage of this act, together with the county surveyor of said county, if they should require his services, proceed to ascertain the centre; and within two weeks after the same shall be ascertained, shall select and locate the seat of justice at the most eligible site within said distance, having a due regard to the permanent interest of the county, and without regard to the liberality of any person who may live at or near a place presenting some



claims to be selected, and shall cause the place by them selected to be laid off into town lots of convenient size, and advertise in some newspaper published in Tuscaloosa the time, (not exceeding thirty days,) when said lots will be sold, and the contracts let out for the building of a substantial jail, and a brick court house.

To sell lots &  
build court  
house & jail.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said commissioners to certify to the commissioners of roads and revenue of said county, at their first Court after the sale of said lots, what sum of money it will be necessary to raise by taxation, in addition to the proceeds of said sale, for the purpose of completing the public buildings, and it shall be the duty of the Court to cause said sum of money to be placed at the disposal of the court house commissioners, for the purpose aforesaid, by causing the same to be levied by a tax on persons and property, and to be collected in the same manner that the state and county taxes are now collected, on the collector giving bond and security in the sum of five thousand dollars, for the due collection thereof, payable to the Governor of the State of Alabama and his successors in office.

Taxes may  
be levied to  
complete  
buildings.

Collector to  
give bond.

Sec. 4. *And be it further enacted,* That a majority of said commissioners shall have all the powers which are not in violation of the provisions of this act, relative to the seat which may be by them selected, as were heretofore possessed by the commissioners who selected the present seat of justice of said county, and shall be subject to the same duties and restrictions, and moreover, shall render a full account of all their proceedings to the court of revenue and roads, whenever said court shall require them to do so.

Powers of the  
commission-  
ers.

Sec. 5. *And be it further enacted,* That it shall be the duty of the commissioners so soon as the public buildings shall be sufficiently completed for the reception of the Courts, to certify such fact to the clerks of the Circuit and County Courts, and it shall be the duty of said officers to remove their offices to the new seat of justice within thirty days after the receipt of such certificate, and their Courts shall be thereafter held at that place: *Provided, however,* that the commissioners shall provide temporary buildings for holding the Courts, if they should be of the opinion that more than two terms of the Circuit Court would intervene after the sale of the lots before the new court house would be ready to be occupied: in which event they shall make a similar certificate to the clerks of the Courts, who shall be governed accordingly, and the respective Courts shall be held in such temporary buildings until the permanent court house shall be fit for their reception.

Clerks to re-  
move their  
offices.

Proviso:

Sec. 6. *And be it further enacted,* That the court house commissioners shall have power to make any contract they may deem reasonable with the owner of the land which may be selected by them for the seat of justice; and if a reasonable contract cannot be made, they shall nevertheless pro-

Commission-  
ers may con-  
tract for land  
for seat of  
justice.

ceed to dispose of the same according to the provisions of this act, and the owner shall recover of the county damages for the injury he may sustain, in an action *ad quod damnum* in the Circuit Court.

Penalty. Sec. 7. *And be it further enacted*, That if a majority of said commissioners shall neglect or refuse to comply with the provisions of this act, each individual so neglecting or refusing shall forfeit and pay the sum of two hundred dollars, to be recovered in an action of debt at the suit of the clerk of the County Court, whose duty it shall be to sue for the same, for the use of the county.

Vacancies how filled. Sec. 8. *And be it further enacted*, That if any or all of said commissioners shall die, resign, remove or refuse to act, it shall be the duty of the court of revenue and roads to fill such vacancy at the first court after such vacancy may become known to them: and it shall also be the duty of said Court, to allow said commissioners and county surveyor, and all other persons employed by them, such compensation, and at such time, as said Court may deem reasonable, to be paid out of the proceeds of the sale of the lots, or out of any money in the county treasury not otherwise appropriated.

Repeal. Sec. 9. *And be it further enacted*, That all acts or parts of acts contravening or conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, January, 13, 1830.

#### AN ACT

1829.

To increase the pay and the more effectually to provide for the payment of jurors for the county of Montgomery.

Pay of jurors of the original panel in Montgomery county. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all persons who shall hereafter serve as jurors of the original pannel of the Circuit and County Courts for the county of Montgomery, shall be allowed and paid one dollar and twenty-five cents for each day they shall serve, in addition to the mileage and fririage heretofore allowed by law.

Tales jurors. Sec. 2. *And be it further enacted, by the authority aforesaid*, That all tales jurors who shall serve in either of the said Courts, shall be paid the sum of twenty-five cents for each suit they shall decide, to be paid by the party succeeding, and the sum so paid shall be taxed by the clerk of the Court in the bill of costs.

Treasurer's duty. Sec. 3. *And be it further enacted, by the authority aforesaid*, That it shall be the duty of the treasurer of the said county to retain in his hands a sufficient sum out of the county tax of the said county, to pay all the jurors which are by law required to be summoned for the said Courts, and to attend on the Saturday of each week that the same shall set, and pay the certificates which shall be given by the clerks of the said Courts to the jurors of the same.

Tales jurors of Marion. Sec. 4. *And be it further enacted*, That so much of the second section of this act as relates to the payment of tales jurors, be in full force and apply to the county of Marion.

Approved, December 19, 1829.

## AN ACT

More effectually to prevent the circulation of what are termed "change bills or tickets."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That if any person or persons, partnership or association of individuals, shall sign, seal, or make any promissory note, bill of exchange, either foreign or domestic, or order drawn upon any person or persons, bill single or penal, for a less sum than three dollars, and issue or put forth the same as a change bill, or to make it subserve the common purposes of money, he, she, or they so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, on presentment or indictment, shall be fined in a sum not less than fifty nor more than two hundred dollars, at the discretion of the jury by which such offender or offenders may be tried: *Provided*, that nothing herein contained shall be construed so as to prevent the persons who have already issued such bills to redeem the same, or to prevent such persons as may be the holders thereof from presenting them to the drawer for payment at any time before or after the first day of June next.

Penalty for issuing change bills for less than three dollars.

Proviso.

Sec. 2. *And be it further enacted,* That if any person or persons shall pass off, circulate or aid in the circulation of any such note or instrument of writing as specified in the first section of this act, he, she, or they so offending, shall be fined in a sum not less than five nor more than twenty dollars, at the discretion of the jury by which such offender or offenders may be tried, and that he, she, or they shall stand committed to the common jail of the county till the fine and costs are paid: *Provided*, that no person shall be liable to the penalty herein annexed for receiving a change bill, unless he has been an inhabitant of the county ten days.

For aiding in the circulation of change tickets.

Proviso.

Sec. 3. *And be it further enacted,* That it shall be the duty of each and every Judge of the Circuit Court of this State to give the first section of this act in charge to the grand juries of the different counties in this State.

Judges to give this act in charge.

Sec. 4. *And be it further enacted,* That this act shall commence and be in force from and after the first day of June next.

Commencement.

Approved, January 20, 1830.

## AN ACT

The better to provide for the examination of the offices of the clerks of the Circuit and County Courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Judges of the Circuit and County Courts of this State at the first term of their Court which shall be held in each county in this State after the passage of this act, and biennially thereafter, to appoint one or more persons, not exceeding three, learned in the laws, to examine the offices of their respective Courts.

Judges of the Circuit and County Courts to have their respective offices examined.

Sec. 2. *And be it further enacted,* That the person or persons so appointed, shall take and subscribe an oath well and truly to examine into the records of said Courts, the fee books

Examiners to take oath.

To make return of the situation of the offices.

Misfeasance to be reported

Report to be recorded.

Compensation,

kept by the clerks thereof and make a true return of the general state of the said offices; and it shall be the duty of the person or persons so appointed as aforesaid, on the vacation after the said Court, to examine the said offices and report the general state of the same to the next Court thereafter, and if on such examination, any misfeasance or malfeasance shall be discovered, it shall be particularly specified in the said report; which report when made shall be recorded in the clerk's office of the said Court, and shall be subject to the inspection of any person without fee.

Sec. 3. *And be it further enacted*, That the persons so appointed shall receive such compensation for their services as may be allowed them by the Judge of the County Court and commissioners of revenue and roads.

Sec. 4. *And be it further enacted*, That all acts and parts of acts in contravention of this act, be, and the same are hereby repealed.

Approved, January 10, 1830.

### AN ACT

To regulate the landing of goods by steamboats and barges, and for other purposes.

Commanders of steamboats and barges their duties in landing goods

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the fifteenth day of February next, it shall be the duty of captains or commanders of steamboats and barges and other vessels navigating any of the navigable rivers in this State, to land all goods of any description at the landing for which said goods were shipped, and shall place them at least ten feet perpendicular above the edge of the water, unless the river shall be too high to admit of said goods being landed ten feet above the edge of the water, and then, and in that case, it shall be the duty of said captain or commander to land said goods on the highest and most secure place within one hundred yards of said landing.

Penalty for neglect of duty.

Sec. 2. *And be it further enacted*, That if any captain or commander of any steamboat or barge or other vessel shall neglect or fail to comply with the provisions of the first section of this act, the owner or owners and the captains or commanders of such steamboat or barge shall jointly or severally forfeit and pay to the owner or owners of such goods, double the value of the goods, to be recovered before any court of record or before any justice of the peace, as the case may require, together with double cost.

Liable for injury done to cotton bags.

Sec. 3. *And be it further enacted*, That when any cotton bales or bags shall be torn by the use of what are called cotton hooks, or otherwise, in loading or unloading on board of any steamboat or barge, or other vessel, the owner or commander of such steamboat or barge shall forfeit the freight of the bales so torn or damaged, and shall pay all damages to the owner or consignee of the cotton, to be recovered in the manner specified in the second section of this act.

Repeal.

Sec. 4. *And be it further enacted*. That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, January 16, 1830.

## AN ACT

Regulating the duties of County Treasurer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That it shall be the duty of each and every treasurer of the several counties in this State, to settle their accounts annually with the judge of the County Court and commissioner of roads and revenue of their respective counties, which settlement shall set forth every item of receipt and expenditure of said county; and the said account shall be certified to by the judge and at least two of the commissioners, and shall be recorded in the County Court of said county; and it shall be the duty of the treasurer to post a copy of said account on the court house door, or some secure place therein at least once a year.

Treasurer to settle their accounts annually.

Further duty

Sec. 2. *And be it further enacted,* That if any county treasurer fail to comply with the provisions of this act, he shall forfeit and pay for every such failure the sum of one hundred dollars, for the use of the county, to be recovered in the name of the judge of the County Court of the proper county, on motion in the Circuit Court of the county where such failure shall take place, on giving said treasurer one day's notice in writing, of such motion, which notice shall be served by the sheriff, coroner, or some constable.

Penalty for failure.

Sec. 3. *And be it further enacted,* That if any county treasurer shall fail or refuse to pay any claim against the treasury which he is compelled and bound to pay by law, when there are sufficient funds in the treasury to meet the payment of said claim, judgement may be obtained against said treasurer, on motion, (he having had five days notice thereof,) either in the Circuit or County Court of the proper county, in the same manner that judgement is obtained against sheriffs and constables for failing to pay over money.

Penalty for failing to pay claims against the treasury.

Approved, January 20, 1830.

## AN ACT

Supplementary to an act passed the 15th day of January, 1828, entitled an act to authorize the sales of sixteenth sections, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That whenever a sale of a sixteenth section in any township in this state, or any part thereof, has been or may hereafter be effected pursuant to the provisions of an act passed the fifteenth day of January eighteen hundred and twenty-eight, entitled an act to authorize the sales of the sixteenth sections, and for other purposes, it shall be lawful for the commissioners to retain out of the first monies which shall come to their hands, either for rents due such township, or for interest accruing on the purchase money of the sixteenth section, all expenses which they may have incurred in causing said section to be surveyed and laid out into lots, pursuant to the provisions of the before recited act: *Provided,* that the commissioners or one of them, shall make affidavit before the judge of

Commissioners to retain a certain amt of money for certain purposes,

Proviso,

the County Court, or some justice of the peace of the county where such section is situated, that such expenses were necessary and have actually been incurred, which affidavit so taken shall be filed in the office of the County Court.

To hold an election for the sale of 16th sections,

To give notice,

Sec. 2. *And be it further enacted*, That the school commissioners of the several sixteenth sections in this State, may at any time whenever they may think proper, hold an election at their respective sixteenth sections to ascertain the sense of the qualified electors in their townships in relation to the sale or no sale of any such section, after having given at least thirty days notice of said election, by advertisement at six of the most public places in such township, and all elections, under the provisions of this act, shall be conducted under the same rules, regulations, and restrictions as are imposed by the act to which this is an amendment.

Cashier duty under this act

Sec. 3. *And be it further enacted*, That whenever a sixteenth section may have been sold and the commissioners thereof have received no money from the sale, and have forwarded the notes to the Bank in pursuance of law, it shall be the duty of the Cashier of said Bank to pay any expense for surveying and selling out said section, out of the proceeds of the first money received from the sales thereof, upon the account for such expenses in surveying and selling being fairly made out and certified by the whole of the commissioners of said section, to be just and unpaid, and that they have no funds of said section wherewith to pay said account.

Approved, January 16, 1830.

### AN ACT

To regulate proceedings in certain actions of detinue.

Plaintiff to de-  
fine to have  
property by  
filing affida-  
vit and giving  
bond with se-  
curity condi-  
tioned &c.

Clerk so to  
endorse on  
the writ un-  
less defend-  
ant give bond  
with security  
to plaintiff  
conditioned  
&c.

Defendant  
shall have five  
days to give  
bond above  
mentioned,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in any action of detinue hereafter commenced, if the plaintiff, his agent or attorney shall make affidavit that the property sued for belongs to the plaintiff, and shall give bond with sufficient security, to be approved of by the clerk of the Court issuing the writ, conditioned that if the plaintiff shall fail in the suit he shall pay the defendant all costs and damages he may sustain by the wrongful suing out the writ, it shall be the duty of the clerk of the court issuing the writ, by endorsement on the same, to require the sheriff or other officer serving it, to take the property sued for into his possession, unless the defendant shall give bond with sufficient security in double the amount of the value of the property to be taken payable to the plaintiff, and conditioned that the defendant, if cast in the suit, shall within thirty days after its determination, deliver to the plaintiff the property recovered by such suit.

Sec. 2. *And be it further enacted*, That if the defendant in such suit shall neglect for five days, to give the bond required by the first section of this act, the property taken shall be delivered to the plaintiff, on his giving bond and sufficient security in double the amount of the value of the property, payable to

the defendant, conditioned to deliver the property to the defendant within five days after demand made, in case he shall fail to recover the same in his said suit, and if the plaintiff shall neglect to give such bond within five days after the time allowed the defendant, it shall be the duty of the officer serving the writ to return the property taken to the defendant.

Sec. 3. *And be it further enacted.* That when the defendant shall have given such bond and a recovery shall be had against him, and he shall neglect to deliver to the plaintiff the property recovered, as provided for by the first section of this act, it shall be the duty of the sheriff, at the plaintiff's request, to make a demand of the property recovered of the defendant or his security, and if it shall not be delivered within five days after such demand, the sheriff shall return the bond taken in the suit in the office of the clerk of the Court where the recovery shall be had, as forfeited; and such bond so returned shall have the force and effect of a judgment, and execution thereon issue against principal and security for the alternative judgment.

Sec. 4. *And be it further enacted.* That if the plaintiff shall fail in such action, and shall neglect to deliver the property taken, after demand made, as provided for by the second section of this act, he, and his securities shall be liable to an action on such bond, and in case of recovery thereon, damages not exceeding fifty per centum on the value of the property shall be given for the detention thereof.

Approved, January 16, 1830.

#### AN ACT

To permit John Lindsey to have registered a deed therein named

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Lindsey, executor of William Lindsey, deceased, be permitted to have recorded a deed of conveyance executed by Samuel Low to William C. B. Lindsey and Calvin R. Lindsey, infant heirs of the said William Lindsey, deceased, for the east half of the south west quarter of section thirty-three, of township sixteen, of range one, east, in the district of Tuscaloosa, any time within six months after the passage of this act, and that said deed be as valid to all intents and purposes as if it had been registered within the time limited by law after its date: *Provided,* that said registry shall not affect any right of a creditor or purchaser which may have intervened.

Approved, January 20, 1830

#### AN ACT

Authorizing a lottery for the benefit of Autauga Lodge, No 31, of Ancient Free Masons

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for John M. Creyon, John McNeil, Lewis Tyus, Absalom Doster, John G. Graham, Jordan Abbott and William McGill, or a majority of them, to raise, by lottery, any sum not exceeding six thousand dol-

and if he fail, property to be given to plaintiff, if in 5 days he give bond.

In case defendant give bond in 1st section named and cast in suit fail to deliver property sheriff to make demand over request of plaintiff and if not delivered in 5 days, bond to be returned forfeited and execution issue.

Plaintiff and his security liable to suit on his bond in case of failure in his action and to damages.

Rights of creditors not to be affected.

Lottery authorized.

lars, by one or more classes, to be appropriated to the erecting and furnishing a Masonic Hall for the use and benefit of Autauga Lodge, No. 31, in the town of Washington.

Managers  
how govern-  
ed.

Sec. 2. *And be it further enacted*, That the individuals named in the first section of this act shall, in all particulars, be governed by the provisions of an act approved thirteenth of December, eighteen hundred and twenty-seven, and entitled an act authorizing a lottery for the benefit of Cyrus Chapter, No. 6, and Florence Lodge, No. 14, of Ancient Free Masons, in the town of Florence: *Provided*, that all bonds shall be entered into before the judge of the County Court of Autauga county.

Proviso.

Approved, January 16, 1830

### AN ACT

To authorize the emancipation of certain slaves therein named.

Achelus  
Pope author-  
ized to eman-  
cipate slave.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Achelus Pope of the county of Autauga be, and he is hereby authorized to emancipate a certain coloured man slave by the name of Silas.

David Brew-  
ton authoriz-  
ed to emanci-  
pate slave.

Sec. 2. *And be it further enacted*, That David Brewton of the county of Madison be, and he is hereby authorized to emancipate a certain man slave by the name of Dane.

Executor of  
Richard Ra-  
pier.

Sec. 3. *And be it further enacted*, That John Simpson and Thomas Simpson, executors of the last will and testament of Richard Rapier, deceased, of the county of Lauderdale be, and they are hereby authorized to emancipate a certain male slave by the name of John H. Rapier.

John Moye,

Sec. 4. *And be it further enacted*, That Jason Moye of the county of Baldwin be, and he is hereby authorized to emancipate a certain male slave by the name of Abraham.

A C Thomp-  
son.

Sec. 5. *And be it further enacted*, That Allen C. Thompson of the county of Franklin be, and he is hereby authorized to emancipate a certain female slave by the name of Hannah.

S Brown,

Sec. 6. *And be it further enacted*, That Stephen Brown of the county of Clarke be, and he is hereby authorized to emancipate certain slaves, to wit: Thomas and Clary his wife, also Noah, Phillis, Mary and Thomas, children of the said Thomas and Clary.

Executors of  
Robert Thompson.

Sec. 7. *And be it further enacted*, That the executors of Robert Thompson, deceased, of Madison county, be, and they are hereby authorized to emancipate a certain male slave by the name of John, and also his wife, a female slave by the name of Delilah, the property of said Robert Thompson, deceased.

A H Bodin,

Sec. 8. *And be it further enacted*, That Alexander Henry Bodin, of the county of Mobile, be, and he is hereby authorized to emancipate two certain female slaves, to wit: Estrazille and Mercide.

Dan'l Reed,

Sec. 9. *And be it further enacted*, That Daniel Reed, a free man of colour of the county of Washington be, and he is hereby authorized to emancipate a certain mulatto male slave by the name of George Reed.



Sec. 10. *And be it further enacted,* That Regeste Barnody —————  
of the county of Mobile be, and he is hereby authorized to Regeste Bar-  
emancipate certain negro slaves, to wit: Charles, Pieere Regist nody.  
and Zeno.

Sec. 11. *And be it further enacted,* That George W. Stone- G W Stone  
road of the county of Lawrence be, and he is hereby author- Z- road.  
ed to emancipate a certain child slave by the name of Marian.

Sec. 12. *And be it further enacted,* That David Johnston of D Johnston  
the county of Tuscaloosa be, and he is hereby authorized to  
emancipate a certain negro man slave by the name of Tom.

Sec. 13. *And be it further enacted,* That James H. Irons of J H Irons  
the county of Marengo be, and he is hereby authorized to eman-  
cipate certain slaves, to wit: Silvey, Mahaley and Martha.

Sec. 14. *And be it further enacted,* That Richard Field, a Rich'd Field  
free man of color of the county of Mobile, be, and he is hereby  
authorized to emancipate a female slave by the name of Abbey.

Sec. 15. *And be it further enacted,* That River Roffiel of River Roffiel  
the county of Mobile, be, and he is hereby authorized to eman-  
cipate two slaves, to wit: Catherine and Constance Augusta.

Sec. 16. *And be it further enacted,* That Fernier Freezman F Freezman  
of the county of Mobile be, and he is hereby authorized to  
emancipate three slaves, to wit: Claricy, Patience and Ceriah.

Sec. 17. *And be it further enacted,* That Nathaniel D. Snow- Executor of  
dy, executor of John Snowdy, deceased, of the county of Madi- John Snowdy.  
son, be, and he is hereby authorized to emancipate a female  
slave by the name of Sally.

Sec. 18. *And be it further enacted,* That Fred Wittick of the F Wittick,  
county of Dallas, be, and he is hereby authorized to emanci-  
pate two female slaves, to wit: Rachel and Sally.

Sec. 19. *And be it further enacted,* That Henry King of the Henry King  
county of Mobile, be, and he is hereby authorized to emanci-  
pate seven slaves, to wit: Esther, Martha, Henry, Louisa,  
Eliza, Powhattan and George.

Sec. 20. *And be it further enacted,* That Eli Holly of the Eli Holly.  
county of Wilcox, be, and he is hereby authorized to emanci-  
pate a female slave by the name of Bet.

Sec. 21. *And be it further enacted,* That James B. Stewart J B Stewart,  
of the county of Autauga, be, and he is hereby authorized to  
emancipate a female slave by the name of Judith.

Sec. 22. *And be it further enacted,* That William Browning W Browning  
of the county of Marengo, be, and he is hereby authorized to  
emancipate a female child by the name of Dorcas.

Sec. 23. *And be it further enacted,* That John Robinson of J Robinson.  
the county of Madison, a free man of color, be, and he is here-  
by authorized to emancipate his wife, a female slave by the  
name of Amie.

Sec. 24. *And be it further enacted,* That Albert C. Horton A C Horton.  
of the county of Franklin, be, and he is hereby authorized to  
emancipate a certain slave by the name of Tom, otherwise  
called Thomas.

Sec. 25. *And be it further enacted,* That Nathaniel Clark of Nat Clark.  
the county of Pike, be, and he is hereby authorized to eman-

cipate a male slave by the name of Harry, and also a female slave by the name of Agness.

J B Mansen.

Sec. 26. *And be it further enacted*, That John Batista Mansen of the county of Mobile, be, and he is hereby authorized to emancipate two female slaves by the name of Nanette and Catharine.

J Marast.

Sec. 27. *And be it further enacted*, That John Marast of the county of Greene, be, and he is hereby authorized to emancipate a certain male slave by the name of Jim Fenner.

Sally Phagan emancipated.

Sec. 28. *And be it further enacted*, That Sally Phagan, a woman of color, who has been purchased by contribution of sundry citizens of the county of Madison, for the purpose of emancipating, be, and she is hereby forever freed from bondage and slavery, reserving at the same time the rights of creditors, and upon condition that security shall be given to the judge of the County Court of said county in the sum of one hundred dollars, conditioned, that she shall not become a public charge.

Bond to be given.

Rights of creditors not to be affected by the privileges of this act.

Bonds to be given

Sec. 29. *And be it further enacted*. That all the privileges conferred by the various sections of the foregoing act, are given with a reservation of the rights of creditors, and upon the express condition that the several persons therein named, shall enter into bond with good and sufficient security, to be approved of by the judges of the County Courts respectively, and made payable to the Governor for the time being, and his successors in office, to wit: the persons named in the sixth and nineteenth sections in the sum of fifteen hundred dollars each; those in the seventh, eighth, tenth, thirteenth, fifteenth, sixteenth, eighteenth, twenty-fifth and twenty-sixth sections, in the sum of one thousand dollars each, and the remainders in the sum of five hundred dollars each; conditioned, that the persons therein authorized to be emancipated, or any one of them, shall never become a public charge to this state, or any county, city, or town thereof.

Approved, January 20, 1830.

### AN ACT

Appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens.

Commissioners appointed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Foster of the county of Tuscaloosa, Dabney McGeehe of the county of Greene, and Robert Jimmerson of the county of Pickens, be, and they are hereby appointed commissioners to run, mark, and establish the line between the counties of Tuscaloosa, Greene and Pickens, commencing at the mouth of Grant's creek and running thence a due west course to the Bigby river.

To report to their respective courts.

Sec. 2. *And be it further enacted*, That said commissioners, after they shall have run and marked said line, shall make a return thereof to their respective County Courts, which said respective Courts, on receiving such returns, shall, and they are hereby authorized to allow to their respective commissioners the sum of four dollars per day, to be paid out of any money in the respective county treasuries, not otherwise appropriated.

Compensation.

Approved, January 20, 1830

## AN ACT

To amend an act approved 15th January, 1826, authorizing a lottery for the purpose of building an academy, and a court house in the county of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of the above recited act be so amended as to authorize Josiah D. Cothorn, John H. Gilmore, Benjamin C. Lansdell, Sion Smith, Hezekiah R. Wood, Abner Hill, John Sowell, Robert Irwin and Henry A. Young to raise, by lottery, the sum of ten thousand dollars by one or more classes, to be appropriated according to the provisions of the act to which this is an amendment, and according to the act amendatory to the above recited act, approved sixteenth January, eighteen hundred and twenty-nine. Lottery.

Sec. 2. *And be it further enacted,* That the managers of the said lottery, or such of them as shall act as such, to change the scheme or schemes of said lottery for their reasonable expenses and services, not exceeding two dollars each per day, to be paid out and charged as other contingent expenses of said lottery. Managers' compensat'n

Sec. 3. *And be it further enacted,* That all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed. Repeal-

Approved, January 15, 1830.

## AN ACT

To emancipate a female slave named Maria, a part of the estate of the late Christopher M'Connico, of the county of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a female slave named Maria, now in possession of William W. M'Connico, executor of said Christopher M'Connico, be, and she is hereby forever emancipated and set free: Maria emancipated. *Provided,* the executor of the said Christopher M'Connico, shall enter into bond with approved security, before the judge of the County Court of the county of Monroe, payable to the Governor and his successors in office, conditioned that the said slave shall never become a charge to any county, city or town of this State. Proviso.

Approved, January 20, 1830.

AN ACT To authorize William Johnson, sent to make titles to lots sold by the commissioners of the town of Pickens in Pickens county.

1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter William Johnson, sent of the county of Pickens, the only commissioner of the town of Pickens, remaining and residing in said county, shall have the exclusive right, and it shall be his exclusive duty, to make titles by deeds to all lots in the town of Pickens which have been heretofore sold by said commissioners and to which titles have not yet been made, where the purchaser or purchasers have made full payments for the same; and to grant titles to all lots within said town which may be hereafter sold by him, as commissioner aforesaid. Wm Johnson sent to make titles to certain lots.

Sec. 2. *And be it further enacted* That this act shall take effect from and after the passage thereof. When to take effect.

Approved, Dec. 23, 1829.

## AN ACT

To legalize the rites of matrimony between Gabriel Butler and Mary Littrel, of the county of Lauderdale and State of Alabama, and render legitimate their children.

Preamble.

Whereas, doubts have arisen as to the legality of the marriage between Gabriel Butler and Mary Littrel of the county and State aforesaid, because the rites of matrimony were celebrated by a non-resident of the state, and because no return of the license under which they were married, appears of record in the clerk's office from whence they issued:

Rites of matrimony between G Butler and M Littrel made lawful and offspring legitimated.

Section 1. *Therefore, Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the rites of matrimony heretofore solemnized between Gabriel Butler and Mary Littrel of the county and State aforesaid, are hereby made lawful and obligatory in all respects, and the offspring of said marriage are hereby made legitimate, as if the same had been done in strict conformity with the requirements of the law; and the clerk is hereby required to record said marriage.

Approved, December 29, 1829.

## AN ACT

To authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased, to sell the real estate which belonged to said decedent.

Administrators of T C Bradford authorized to sell real estate.

To give notice.

To give bond

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the administrators of the estate of Thomas C. Bradford, late of St. Clair County, deceased, are hereby authorized to sell at public auction, all the real estate which belonged to said Thomas C. Bradford at the time of his death, on giving thirty days notice in the Alabama State Intelligencer a newspaper published in the town of Tuscaloosa, and also on giving notice the same length of time by advertisement posted up at the court house in St. Clair county, and at three other public places in said county; and also, on giving bond and sufficient security to the judge of the County Court of St. Clair county, conditioned to faithfully account to the heirs of said Thomas C. Bradford for the proceeds of said sales when thereto required.

Approved, December 22, 1829.

1830.

## AN ACT

For the relief of Michael Robins:

Appropriation to Michael Robins.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the sum of twenty dollars be, and the same is hereby appropriated for the payment of Michael Robins, for pursuing and apprehending, and lodging in jail, a certain criminal who had fled from justice.

Sec. 2. *And be it further enacted,* That the Comptroller of public accounts is hereby required to issue his warrant on the Treasurer for the same, and the said Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

Approved, January 15, 1830

## AN ACT

To establish La Grange College.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a seminary of learning, be, and the same is hereby established at La Grange, in Franklin county, to be denominated the La Grange College.

La Grange college established.

Sec. 2. *And be it further enacted,* That there shall be fifty Trustees who are hereby authorized to take charge of the interest of the College; twenty one of whom shall be designated as residing in La Grange and its vicinity, a majority of whom shall constitute a quorum to transact business; the remaining twenty-nine Trustees shall be designated as not residing in the immediate vicinity of La Grange, but when any one or more of them shall find it convenient or important to co-operate with those designated as residing in La Grange and its vicinity, it is hereby rendered competent for them so to do, by uniting themselves with those who are designated as living in La Grange and its vicinity: *Provided, however,* that when a majority of the whole number of Trustees residing in La Grange or its vicinity shall be present, they shall constitute a quorum to do business.

Fifty trustees

Quorum how formed.

Proviso.

Sec. 3. *And be it further enacted,* That the following persons have been duly chosen Trustees of the College, and are recognized as residing in La Grange and its vicinity, to wit: Turner Sanders, Alexander Sale, Alexander Sledge, John Davis, Moses Hall, John Sutherland junr. Benjamin B. Jones, Claiborne Sanders, Epps Moody, Henry S. Foot, Sion L. Perry, James B. Lockhart, William H. Winter, Dudley Dunn, Thomas Woldridge, Hartwell King, Bernard McKernan, John W. Hodges, John W. Scott, Freeman Fitzgerald, Richard Ellis; and the following persons have also been chosen Trustees and are considered as residing at a distance from the institution, to wit: William Wynans, Edmund McGahee, Alexander Covington, Greenwood Lafflow, John Ross, William McMahan, Alexander Tally, Joseph McDowell, James McFerren, John M. Taylor, Henry W. Rhodes, Jack Shackelford, Samuel W. Mardis, Robert Payne, Weston T. Rucker, Henry R. W. Hill, Thomas Brandon, John D. Bibb, Gilbert D. Taylor, Jesse Coe, Richard Jones, James Sanders, John M. Holland, James H. Mallard, Robert L. Kennon, David Moore, Robert H. Watkins, John B. Rove, and John Coffee.

Names of trustees residing in La Grange.

Names of trustees residing at a distance.

Sec. 4. *And be it further enacted,* That the trustees aforesaid, be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of La Grange College, and by that name they, and their successors, shall, and may have perpetual succession and be able and capable in law to have, receive and enjoy to them and their successors, lands, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatsoever, and also all sums of money

Trustees to be corporate body by name of "The President and Trustees of La Grange college."

- which may be given, granted, or bequeathed to them for the purpose of promoting the interest of said College, not exceeding in the whole amount three hundred thousand dollars.
- Ab. of property limited.** *Sec. 5. And be it further enacted,* That there shall be a stated meeting of the Board of Trustees in each year at the time of conferring degrees; and that the President of said board of Trustees shall have full power to call an occasional meeting of the Board, whenever it shall appear to him necessary.
- Board to meet annually &c.** *Sec. 6. And be it further enacted,* That the Trustees of the said College shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time as they shall think proper, and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead, and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this State; and to grant, bargain, sell or assign any lands, tenements, goods or chattels now belonging to the said College, or that may hereafter belong to the same; to construct all the necessary buildings for said institution, and to establish a preparatory or primary school, and such other appendant institutions as they shall deem necessary, to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees, and to act and do all things whatsoever for the benefit of the said institution, in as ample a manner as any person or body, politic or corporate, can or may do by law.
- Have common seal.** *Sec. 7. And be it further enacted,* That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and bye-laws as shall appear to them necessary for the good government of the said College and of their own proceedings: *Provided,* the same be not repugnant to the laws of the United States and of this State.
- Extent of corporate powers.** *Sec. 8. And be it further enacted,* That the head of the said College shall be styled, the President, and the instructors thereof, the Professors; and the President and Professors or a majority of them, the Faculty of the La Grange College, which faculty shall have power of enforcing the ordinances and bye-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them, as, after the repeated admonitions, shall continue disobedient or refractory until a determination of a quorum of Trustees can be had; but it shall be only in the power of a quorum of Trustees at their stated meetings to expel any student or students of the said College.
- To prescribe course of studies, make byelaws &c.** *Sec. 9 And be it further enacted,* That the Trustees, or so many of them as shall be fixed on by their bye-laws as aforesaid, shall have full power by the Principal or Professors of the said College, to grant or confer such degree or degrees in the arts or science to any of the students of the said College, or persons by them thought worthy, as are usually granted and conferred in other Colleges in the United States, and to
- To suspend & expel how and when.**
- Power to confer degrees.**

give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the College, to authenticate and perpetuate the memory of such graduations. Diplomas.

Sec. 10. *And be it further enacted*, That whenever any vacancy shall occur in the Board of Trustees either by death, resignation or otherwise, such vacancy shall be filled by a majority of the remaining Trustees, resident in La Grange or its vicinity. Vacancy in board how filled.

Sec. 11. *And be it further enacted*, That all necessary and customary officers of said institution shall be appointed by a majority of the Board of Trustees. Appointment of officers.

Sec. 12. *And be it further enacted*, That whenever a vacancy shall occur in the Presidency or any of the Professorships of the College the Board of Trustees shall have power to fill such vacancy. Vacancy in presidency or professorship how filled.

Sec. 13. *And be it further enacted*. That the Trustees shall have the power of fixing the salaries of all the officers connected with the College, removing any of them for neglect or misconduct in office, a majority of the whole number of resident Trustees concurring in said removal. Salaries how fixed and removals from office by whom made.

Sec. 14. *And be it further enacted*, That whenever it shall be considered by four fifths of the Trustees forming a quorum to do business, that it is important to the welfare of the institution. that any member of the Board of Trustees should be dismissed from office, they shall have the power to dismiss such Trustee. Trustees to be dismissed how.

Sec. 15. *And be it further enacted*, That the institution hereby incorporated. shall be purely literary and scientific; and the trustees are hereby prohibited from the adoption of any system of education which shall provide for the inculcation of the peculiar tenets or doctrines of any religious denomination whatever. Institution to be purely literary and scientific, no peculiar tenets of religion.

Sec. 16. *And be it further enacted*, That said corporation shall not exercise any banking powers, or discount notes, or deal in bills of exchange, but shall confine themselves strictly to the powers hereby granted. Banking powers denied.

Sec. 17. *And be it further enacted*, That nothing herein contained shall be so construed as to prohibit the General Assembly of this State from altering or amending this act whenever it may seem to them necessary or expedient. Power to alter or amend reserved to Legislature.

Sec. 18. *And be it further enacted*, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

Approved, January 19, 1830.

#### AN ACT

To incorporate the Trustees of the Sims' Female Academy, in the town of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. Corporation created.  
That Edward Sims, Henry W. Collier, Richardson Owen, Benjamin B. Fontaine, Robert L. Kennon, Dennis Dent, Willis Banks, Leven Powell, James M. Davenport, Aaron Ready, James Guild, George W. Crabb, William R. Colgin,

**Style.** Nicholas Perkins, and Thomas Owen, Trustees of Sims' Female Academy, and their successors in office, shall be, and they are hereby incorporated as a body politic and corporate by the name and style of the Trustees of Sims' Female Academy.

**Election of officers.** Sec. 3. *And be it further enacted*, That said corporation shall have perpetual succession of officers and members, who shall be appointed or elected in such manner as said Trustees shall by their rules, regulations, and bye-laws prescribe, and they shall have power and authority to establish a common seal, and alter and make new the same, as to said Trustees may seem proper.

**Powers of the corporation.** Sec. 3. *And be it further enacted*, That said corporation by the name and style aforesaid, shall be able and capable in law to purchase, acquire, hold and enjoy any estat, real or personal, and to sell, alien and dispose of the same at pleasure, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this State.

**Further powers.** Sec. 4. *And be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: *Provided*, that such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: *And provided*, that said Trustees shall not at any one time hold property of greater value than twenty thousand dollars: *And provided also*, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly confined to the powers by this act granted: *And provided also*, that no religious tenets to the exclusion of others shall be taught at said institution: *Provided* nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: *Provided further*, that any vacancy which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the Trustees for the time being.

**Proviso.** Sec. 4. *And be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: *Provided*, that such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: *And provided*, that said Trustees shall not at any one time hold property of greater value than twenty thousand dollars: *And provided also*, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly confined to the powers by this act granted: *And provided also*, that no religious tenets to the exclusion of others shall be taught at said institution: *Provided* nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: *Provided further*, that any vacancy which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the Trustees for the time being.

**Further proviso.** Sec. 4. *And be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: *Provided*, that such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: *And provided*, that said Trustees shall not at any one time hold property of greater value than twenty thousand dollars: *And provided also*, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly confined to the powers by this act granted: *And provided also*, that no religious tenets to the exclusion of others shall be taught at said institution: *Provided* nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: *Provided further*, that any vacancy which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the Trustees for the time being.

**No religious tenets to the exclusion of others to be taught.** Sec. 4. *And be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: *Provided*, that such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: *And provided*, that said Trustees shall not at any one time hold property of greater value than twenty thousand dollars: *And provided also*, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly confined to the powers by this act granted: *And provided also*, that no religious tenets to the exclusion of others shall be taught at said institution: *Provided* nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: *Provided further*, that any vacancy which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the Trustees for the time being.

**Legislature may alter act. Vacancies how filled.** Sec. 4. *And be it further enacted*, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: *Provided*, that such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: *And provided*, that said Trustees shall not at any one time hold property of greater value than twenty thousand dollars: *And provided also*, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly confined to the powers by this act granted: *And provided also*, that no religious tenets to the exclusion of others shall be taught at said institution: *Provided* nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: *Provided further*, that any vacancy which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the Trustees for the time being.

Approved January 15, 1830.

### AN ACT

To incorporate Marion Academy, in Perry county.

**Marion academy established.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the county of Perry, at or within three hundred yards of the place where the road leading to Cah-wba, and the road leading to Pitt's ferry fork, south of the town of Marion, in said county, an academy to be called Marion Academy.

**Corporation created.** Sec. 2. *And be it further enacted*, That Elisha Young, Edwin D. King, Gabriel Benson, Elisha F. King, Dunklin Sullivan, George Weissinger and George W. Brame. and their successors in office, be, and they are hereby constituted a body corporate, by the name and style of the Trustees of Marion Academy, and by that name shall have full power and authority to have and use a common seal, and the same to

**Style.**

**Powers.**



break, alter and renew at pleasure, to sue and be sued, plead and be impleaded, in all kinds of actions, to receive donations and purchase property, both real and personal, in value not exceeding thirty thousand dollars, and the real property shall enure to the said Trustees and their successors forever; and to pass all such laws and make such rules and regulations as the said Trustees shall deem expedient for the government of said Academy, the same not being repugnant to the constitution and laws of the United States and of the State of Alabama.

Sec. 3. *And be it further enacted*, That five Trustees shall constitute a quorum for the transaction of all business, and a majority of the trustees shall have power to fill all vacancies that may occur from any cause, and shall have power to appoint a President of their Board, and all such other officers as they shall deem necessary.

Quorum.  
Vacancies.  
President and officers to be appointed.

Sec. 4. *And be it further enacted*, That this act shall be in force from and after the passage thereof.

Approved, January 13, 1830.

### AN ACT

To amend an act entitled an act to incorporate Valley Creek Academy, in the county of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the third section of an act approved January fifteenth, eighteen hundred and twenty-nine, entitled an act to incorporate Valley Creek Academy in the county of Dallas, is hereby repealed.

Third section repealed.

Approved, January 16, 1830.

### AN ACT

To amend an act passed December tenth, eighteen hundred and twenty-three, entitled an act to amend an act to incorporate the Huntsville Fire Engine Company, passed December tenth, eighteen hundred and twenty-two.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Fire Engine Company incorporated in the town of Huntsville, shall hereafter consist and be composed of one hundred members, or less, at the discretion of said company, subject to the same exemptions, and liable to the same penalties, as the present members of the said company are now subject to.

Fire Engine company may consist of 100 members,

Sec. 2. *Be it further enacted*, That all acts and parts of acts, contravening the provisions of this act, shall be and the same are hereby repealed.

Approved, January 16, 1830.

### AN ACT

To revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed December 4th 1820

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act to incorporate the town of Selma, in the county of Dallas, passed December fourth, eighteen hundred and twenty, and all other laws in relation to said town not heretofore repealed, be, and the same are hereby revived and continued in full force, so far as the same are not repugnant to this act.

Certain acts revived,

**Councillors when elected** Sec. 2. *And be it further enacted,* That the next election for councillors for said town, shall be held at the house of David H. Burke, in said town, on the first Monday in April next, under the superintendence and management of Gilbert Shearer, Matthew McLaughlin, P. I. Weaver, Samuel F. Jones, William Johnson, Hugh Ferguson and James Douglass, or any three of them, under the same rules, regulations and restrictions as are prescribed in the before recited acts.

Approved, January 16, 1830.

### AN ACT

To incorporate the Tuscumbia Railway Company-

**Corporation created,** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established in the town of Tuscumbia, a company for the purpose of erecting a railway from the town of Tuscumbia to some eligible point on the Tennessee river, which shall be called and known by the name, style and title of the Tuscumbia Railway Company, and all such persons as shall be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, they and their successors in office shall be capable of purchasing, holding and conveying all kinds of estate, whether real or personal, for the use of said corporation, subject to the restrictions hereafter mentioned; that the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, divided into one thousand shares of twenty dollars each, one fifth, or twenty per cent thereof to be paid in at the time of subscribing, and the remaining four-fifths, or eighty per cent to be paid in such instalments as the Directors shall appoint.

**Style,**

**Powers,**

**Capital stock**

**Subscriptions** Sec. 2. *And be it further enacted,* That subscriptions shall be offered for the said shares on the first Monday in March next, in the town of Tuscumbia, under the superintendence of Philip G. Godley, John Kennedy, John Sutherland, John J. Winston, John Haynie, Micajah Tarver, William H. Winter, James Elliott, David Deshler, Thomas Aldridge, Ralph Hatch and Armstead Barton, or any four of them, which said subscription shall continue open until the sum of twenty thousand dollars be subscribed, but no share or shares shall entitle the holder to vote at any election of officers, without the same shall have been held *bona fide*, by him or her, at least fifteen days next immediately preceding said election.

**Shares to be held 5 days before election to entitle holder to vote.**

**Election of directors,** Sec. 3. *And be it further enacted,* That for the well ordering and management of the affairs of said corporation, there shall be chosen thirteen Directors, who shall hold their office for one year and until new officers shall be chosen, which Directors at the time of their election and during their continuance in office,

shall be holders of at least ten shares, and shall be elected annually after the first election at the office of said company, or any other convenient place in the town of Tuscumbia, and at such time of the day as the President of such company shall appoint, of which election public notice shall be given in some newspaper printed in the town of Tuscumbia at least seven days previous to said election, and such election shall be by ballot, and determined by a plurality of the votes of the stock holders, each share entitling the holder to one vote; and it shall be lawful for the stockholders to vote by proxy, or in person, as may seem to them meet: but if from any cause it shall happen that the election of Directors shall not be made on any day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful on any other day: *Provided*, the same be done in thirty days thereafter.

Election to  
be by ballot.  
Who to vote.

Sec. 4. *And be it further enacted*, That the Directors of said company shall be, in the first instance, chosen as follows, that is to say, as soon as the said sum of twenty thousand dollars shall be subscribed, the said Philip G. Godley, John Kennedy, John Sutherland, John Haynie, John J. Winston, Micajah Tarver, William H. Winter, James Elliott, David Deshler, Thomas Aldridge, Ralph Hatch and Armstead Barton, shall appoint a place in the town of Tuscumbia, for proceeding to the election of said thirteen Directors, and such election shall be held under the supervision of the aforementioned persons, in conformity with the directions of the third section of this act; and the Directors shall meet as soon as maybe after every election, and shall choose out of their own body, a President, who shall serve until the next election, and that in case of vacancy by death, resignation or inability to serve as President, such vacancy shall be filled by the Board of Directors, by a special election.

Directors  
how chosen.

To choose a  
President,

Sec. 5. *And be it further enacted*, That said corporation shall have power to make, prescribe and alter such bye-laws, rules and regulations, as they shall consider needful and proper, touching the management of the concerns of said corporation, its stock, property, effects, &c. *Provided*, always, that such bye-laws, rules and regulations, shall not be in contradiction of the laws and constitution of this State.

Corporation  
to make bye-  
laws &c,

Proviso,

Sec. 6. *And be it further enacted*, That there shall be two stated annual meetings of the Board of Directors, at such times as said Board may agree upon, and that the President shall have a right to direct such other meetings as he may think proper.

Meetings.

Sec. 7. *And be it further enacted*, That said corporation shall not hold, own or possess, at any time, more than fifty thousand dollars worth of property, both real and personal; nor shall they exercise banking privileges or powers; and it shall at all times, after the expiration of ten years, be competent for the General Assembly of this State to alter, amend or repeal this act.

Not to hold  
more than  
\$50,000-  
Not to exer-  
cise banking  
privileges,  
Legis<sup>lature</sup>  
may alter this  
act,

## AN ACT

To incorporate the 'stockholders and subscribers to the newly invented Marine Railway, in the city of Mobile, under the patent granted by the authority of the United States to Daniel Rogers, the original inventor.

**Marine railway established, Style,**  
**Capital stock.** *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Marine Railway, to be called and styled "The newly invented Railway under the Roger's patent," shall be established at any place within the county of Mobile, in the State of Alabama, the capital stock of which shall not exceed twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars.

**Corporation created,**  
**Style,**  
**How long to continue,**  
**Powers,**  
**Not to exercise banking powers,**  
**Directors to be elected,**  
*Sec. 2. And be it further enacted,* That Barrett Ames, Hugh Monroe, Joseph Swiler, Audley H. Gazzam, William R. Hallett, Andrew Armstrong, Philip M. Loskey, Miguel D. Eslava, James Loomis, and Elisha S. Beebe, of the city of Mobile and State of Alabama, and their associates, their successors and assigns shall be, and they are hereby created a body corporate and politic by the name and style of "The President, Directors and Company of the newly invented Marine Railway, under the Roger's patent, in the city of Mobile", and shall so continue until the first day of January, in the year of our Lord one thousand eight hundred and sixty, and by that name shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods chattels, and effects of whatsoever kind, nature and quality, to an amount not exceeding in the whole fifty thousand dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action matter, or thing depending in any court of law or equity; and also to make, have and use a common seal, and the same to break alter and renew at pleasure: and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or the laws of the United States, or of this State; and generally to do, execute and perform all and singular the acts, matters, and things which to them may appear necessary, or which to them it shall or may appertain to do as incident to bodies corporate: *Provided always,* that the said corporation shall not at any time during the continuance in force of this act, exercise, either directly or indirectly, banking powers or privileges.

*Sec. 3. And be it further enacted,* That for the management of the affairs of the said corporation, there shall be selected five Directors annually elected, pursuant to such rules and regulations, as the said corporation shall, by their bye-laws or ordinances direct and establish, who shall hold their offices in the manner and for the term prescribed therein and thereby; and the Board of Directors, annually, at the first meeting after their election, in each and every year, shall proceed to elect

one of the Directors to be President of the said corporation, who shall hold said office during the same period for which the directors are elected as aforesaid: *And provided also*, that in case it should at any time happen that an election of Directors, or an election of the President of said corporation, should not be so made as to take effect on any day, when in pursuance of said bye-laws and ordinances, adopted by the said corporation pursuant to this act they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other time to hold such election; and the manner of holding the elections shall be regulated by the laws and ordinances of the said corporation; and until such election be held, the President and Directors of the said corporation for the time being, shall continue in office: *And provided also*, that in case of death, resignation, or removal of the president of the said corporation, or his absence from this state for more than six months, the Directors shall proceed to elect another President from the Directors as aforesaid, and in case of the death, resignation or removal from office, or absence of a Director, the vacancy may be supplied by a majority of the Board.

To choose  
President,

Vacancies  
how filled.

Sec. 4. *And be it further enacted*, That the Directors for the time being, shall have power to appoint a secretary and treasurer, and such officers, clerks and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation as shall be prescribed, fixed and determined by the laws, regulations and ordinances of the same.

Officers to be  
appointed.

Compensa-  
tion.

Sec. 5. *And be it further enacted*, That none but a stockholder, a resident citizen of this State, shall be a Director, nor shall any Director be entitled to any emolument, but it shall be lawful for the President to receive such compensation as the stockholders shall, at a general meeting, assign to him.

None but  
stockholders  
shall be di-  
rectors.

Pres't may be  
compensated

Sec. 6. *And be it further enacted*, That not less than three members shall constitute a board for the transaction of business, of whom the President shall always be one, except in cases of sickness or necessary absence, in which case his place may be supplied by another Director, whom he, by writing under his hand shall depute for that purpose; and the Director so deputed may do and transact all necessary business belonging to the office of the said corporation, during the continuance of the sickness or the necessary absence of the President.

Quorum.

Sec. 7. *And be it further enacted*, That the secretary and treasurer and other officers, clerks and servants of the said corporation, shall, previously to entering on the duties of their offices respectively, give bond with such security, and in such form as the Directors shall require, conditioned for the faithful discharge of their duties respectively.

Officers to  
give bond.

Sec. 8. *And be it further enacted*, That the Directors shall have power at all times, giving at least thirty days notice at some public place in the city of Mobile, to open subscriptions for stock, until the whole capital stock of twenty-five thousand dol-

Directors  
have power  
to open sub-  
scriptions.

- Proviso.** lars shall be subscribed, which books shall be opened at ten o'clock, A. M. and continue until four o'clock, P. M. unless the whole amount is sooner taken: *Provided*, that no person, copartnership, or body corporate shall subscribe for more than ten shares the first day.
- Stock to be assignable.** Sec. 9. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable according to such rules and regulations as shall be instituted in that behalf by the laws and ordinances of the same.
- Dividends.** Sec. 10. *And be it further enacted*, That half yearly dividends shall be made of so much of the profits of the corporation as shall appear to the Directors advisable; if there shall be a failure of the payment of any part of the sum subscribed to the capital of the said corporation by any person, copartnership, or body politic, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making payment, and during the delay of the same.
- Persons failing to pay sums subscribed not entitled to dividend.**
- Corporate name may be used after dissolution.** Sec. 11. *And be it further enacted*, That notwithstanding the expiration of the time for which the said copartnership is created, it shall be lawful to use the corporate name, style and capacity for the purpose of suits for the final liquidation and settlement of the affairs and accounts of the said corporation, and for the sale and disposition of their estate, real, personal and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding five years after the expiration of the term of incorporation.
- Private and corporate property liable for debts.** Sec. 12. *And be it further enacted*, That for all debts and contracts by said corporation, all the goods, chattels, lands, tenements and effects, of what nature soever, belonging to said corporation, together with the private property of the stockholders, shall be liable for the payment of said debts or contracts.
- Stockholders names to be recorded in county court.** Sec. 13. *And be it further enacted*, That it shall be the duty of the said incorporation, annually, to record in the County Court of Mobile county, the names of each of the stockholders of said corporation, together with the number of shares they may hold, and upon failure to perform this duty, the said charter hereby granted shall be forfeited.
- Penalty.**
- May be liable after transfer.** Sec. 14. *And be it further enacted*, That each and every stockholder who shall or may transfer his stock, shall be liable for all the debts and contracts of said incorporation, until he shall cause the act of transfer to be recorded in the office of said clerk.

Approved, January 15, 1830.

### AN ACT

To incorporate the Library Society of the Bench and Bar of the Supreme Court of Alabama

- Corporation created.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judges and members of the bar of the Supreme Court, and others, who have associated themselves together at Tuscaloosa, for the purpose of establishing a Supreme Court Library, be, and they and their successors are hereby created a body politic and corporate, in law, under the name and style of
- Style:**

the Library Society of the Bench and Bar of the Supreme Court of Alabama, for the purpose of having, owning, managing and using a library, for such uses and under such regulations as they may from time to time prescribe and adopt; and that the said society may have a common seal, which they may break, renew or alter at their pleasure; and may make contracts, sue and be sued, plead and be impleaded, in all Courts of justice; own books, monies, bonds, bills and effects, &c. and generally do, permit, and suffer all such acts, and have all such powers and privileges as are necessary to carry fully into effect the objects of said society.

Sec. 2. *And be it further enacted.* That the said society shall have power to appoint all such officers as they may deem necessary, and in such manner and at such times as they may think fit; and that they may make such rules, regulations and bye-laws as they may think proper, for the government of said society, and of its funds and effects, not repugnant to the constitution and laws of this State, nor of the United States; which rules, &c. shall, when so made, have force and validity: *Provided*, that this act shall not be so construed as to authorize said society to exercise banking powers.

Sec. 3. *And be it further enacted.* That the appropriation made the present session of the Legislature to increase said Library, shall be drawn by the Librarian, on the warrant of the Comptroller: and that the true intent and meaning of said act making said appropriation, was and is, that the members of the Legislature, and the Executive officers, should have the same right to the use of the books of said Library as the members of said company now have, and no other rights of the society.

Sec. 4. *And be it further enacted,* That this act shall be deemed, held, and taken to be a public act

Approved, January 16, 1830.

### AN ACT

For the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing, and other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of seven hundred and fifty dollars, be, and the same shall be appropriated to Benjamin M. Bradford and Jack Shackelford, Register and Receiver of the Land Office at Courtland, out of any money arising from, or that may have been received from any lands that have been or may hereafter be subject to entry in the said Land Office, as a compensation for stationary, printing, maps, iron chest, and other articles by them procured for the use of the said office.

Sec. 2. *And be it further enacted,* That the Comptroller, be, and he is hereby required to draw his check upon the Cashier of the Bank of the State of Alabama in favor of said Register and Receiver for the amount hereby appropriated.

Approved, January 16, 1830.

## AN ACT

For the benefit of the estate of Charles King, deceased.

Grant to W  
E Philips and  
C J King, ad-  
ministrators.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a preference right to become the purchaser of the west half of the south west quarter of section number fifteen, township number five and range number three, west of the basis meridian at Huntsville, is hereby granted to William E. Philips and Calvin J. King, the administrators of the estate of Charles King, deceased; and the said administrators are hereby authorized to enter said land at the price of one dollar and twenty-five cents per acre, in the same manner and under the same regulations as if they had been returned occupants of said land by the commissioners appointed under the act entitled an act to enable the State of Alabama to sell and dispose of certain land therein named, *Provided,* said administrators shall file their affidavit that they enter said land for the benefit of the estate of said deceased. Approved, January 7, 1830.

Proviso.

## AN ACT

To extend the time for final settlement of the accounts of the tax collector of Morgan county.

J. Ferguson  
allowed till  
1st of March  
to settle his  
accounts as  
tax collector.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Ferguson, tax collector of Morgan county, be allowed until the first day of March next to make final settlement with the Comptroller of his accounts as collector for said county, the year one thousand eight hundred and twenty nine.

Sec. 2. *And be it further enacted,* That no vacancy shall occur in the office of tax collector of Morgan county for the year one thousand eight hundred and thirty; and the said James Ferguson shall be entitled to said office as he would be if final settlement was made by the first day of January next.

Approved, January 15, 1830.

AN ACT to establish the permanent seat of justice in Dale county.

Dalesville  
seat of justice

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the seat of justice of Dale county be and the same is hereby permanently established at Dalesville.

Approved, January 15, 1830.

1829.

AN ACT amendatory of the laws of this State on the subject of elections of Members of the General Assembly.

Governor in  
case of vacan-  
cy during the  
session, may  
order an elec-  
tion by giving  
ten days no-  
tice.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in case of any vacancy which may now exist or that may hereafter arise in either branch of the General Assembly, by death, resignation or otherwise, within sixty days before the meeting of the legislature, or during its session, the Governor, or person exercising the duties of that office, may issue writs of election to fill such vacancy, by giving such notice as he may think proper, not less than ten days, which election shall in all other respects be governed by the laws of this State on that subject.

Approved, December 11, 1829.



## AN ACT

Making appropriation for the payment of certain claims against the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That four hundred and twenty-nine dollars, of any money in the treasury not otherwise appropriated, be set apart for the payment of Moulder Ragsdale, of St. Clair county, and John A. Chapman, of Shelby county, who were appointed by the courts of roads and revenue of St. Clair and Shelby counties, to take the census of the Indians residing within the limits of their respective counties.

Appropriation to M Ragsdale and J A Chapman

Sec. 2. *And be it further enacted,* That it shall be the duty of the Comptroller of public accounts, to issue his warrant upon the Treasurer in favor of either of the above named persons, for the sum of three dollars per day, for each and every day that the court of roads and revenue of the proper county shall certify to have been necessary for that purpose, and upon the oath of the applicant that he was necessarily engaged the time for which he presents his claim.

Per diem allowance to Ragsdale and Chapman.

Approved, November 20, 1829.

## AN ACT

1830.

Making appropriation for the payment of certain claims against the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That one hundred and eighty dollars of any money in the treasury not otherwise appropriated, be set apart for the payment of Edward Augustus M'Bride, of Montgomery county, who was appointed by the courts of roads and revenue of Montgomery county, for the purpose of taking the census of the Indians residing within the limits of said county.

Appropriation to E A McBride.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Comptroller of public accounts to issue his warrant in favor of the said M'Bride, for the sum of three dollars per day for each day that the court of roads and revenue of said county shall certify to have been necessary for that purpose, and upon the oath of the said M'Bride, that he was necessarily engaged for the time for which he presents his claim.

Per diem allowance to McBride.

Sec. 3. *And be it further enacted,* That five hundred dollars be, and the same is hereby appropriated to Henry Minor, to be paid out of any monies in the treasury not otherwise appropriated, it being for a certain number of copies of Reports of the Decisions of the Supreme Court, deposited in the Secretary's office, in conformity with an act passed January the fifteenth, eighteen hundred and twenty-nine.

Appropriation to H Minor.

Approved, January 1, 1830.

## AN ACT

Making appropriations for the year eighteen hundred and thirty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list, and other

Appropriation for Gov- Sec'y of State Comptroller Treasurer. Judges.	necessary charges upon the Government, namely: For the payment of the annual salary of the Governor of this State, two thousand dollars ; for the payment of the annual salaries of the Secretary of State, Comptroller and Treasurer, one thousand dollars each, making three thousand dollars ; for the payment of the annual salaries of the Judges of the Circuit Courts, each seventeen hundred and fifty dollars, making twelve thousand two hundred and fifty dollars ; for the payment of the annual salary of the Attorney General four hundred and twenty-five dollars ; for the payment of the annual salary of the Solicitor of the first judicial circuit, three hundred and fifty dollars ; for the payment of the annual salaries of the Solicitors of the second, fourth, fifth, sixth and seventh judicial circuits, two hundred and fifty dollars each, making the sum of twelve hundred and fifty dollars ; for the payment of the annual salary of the Adjutant General, the sum of one hundred dollars ; for the payment of the annual salary of the Quarter Master General, the sum of two hundred dollars ; for the payment of the Secretary of the Senate and Clerk of the House of Representatives, each seven dollars per day ; for the payment of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerks of the House of Representatives, each five dollars per day ; for the payment of the Doorkeepers of the Senate and House of Representatives, each the sum of four dollars per day ; to be paid out of any money in the treasury not otherwise appropriated.
Attorney General.	
Solicitors.	
Adjutant General.	
Quarter Master General.	
Sec'y of Senate and cl'k of H of Reps. Ass't clerks.	
Door keepers	
Contingent fund.	Sec. 2. <i>And be it further enacted</i> , That the sum of two thousand dollars be, and the same is hereby appropriated and set apart as a contingent fund, subject to the Governor's draft.
Sec'y of Senate.	Sec. 3. <i>And be it further enacted</i> , That the sum of one hundred dollars be, and is hereby appropriated to the payment of the Secretary of the Senate for completing the journals and arranging the papers of the Senate ; and the sum of one hundred dollars be, and the same is hereby appropriated to the
Clerk of H of Rep's.	Clerk of the House of Representatives for completing and arranging the papers of the House of Representatives.
Sec'y of State	Sec. 4. <i>And be it further enacted</i> , That the sum of two hundred and seventy-five dollars be, and the same is hereby appropriated to the payment of the Secretary of State for copying and making an index to the laws, for copying the journal of each House of the General Assembly for the present session, preparing the whole for press and superintending the printing of the same ; and that the sum of two hundred and fifty dollars be appropriated and allowed to the Comptroller of public accounts for Clerk hire during the present year.
State Printers	Sec. 5. <i>And be it further enacted</i> , That the sum of two thousand five hundred dollars be, and the same is hereby appropriated to the payment of the annual salary of the State Printers for the present year.
James Rather	Sec. 6. <i>And be it further enacted</i> , That the sum of one hundred and seven dollars and fifty cents be, and the same is

hereby appropriated to the payment of James Rather, for his services as messenger of the joint committee appointed to investigate the conduct of the Commissioners to select, class and value four hundred thousand acres of land, &c. and the sum of one hundred and fifty-six dollars to the payment of Thomas J. Abbott, for his services as clerk of the said committee; and the sum of twenty dollars be, and the same is hereby appropriated to the payment of George C. King, for his attendance as a witness before the said committee; all to be paid out of any monies in the treasury not otherwise appropriated.

Sec. 7. *And be it further enacted*, That the sum of sixteen dollars be, and the same is hereby appropriated to the payment of James Rather, for his services as messenger to the commissioners appointed to superintend the erection of the State Capitol; to be paid out of any monies in the treasury not otherwise appropriated.

Sec. 8. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, in addition to the appropriation heretofore made this session, to be paid out of any monies in the treasury not otherwise appropriated, for the payment of the Members of this General Assembly.

Approved, January 20, 1830.

#### AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums be, and the same are hereby appropriated for the payment of certain persons herein named for the furnishing provisions for prisoners confined in the jails of their respective counties; and for removing prisoners by order of court, to wit: William Howson, jailer of Madison county, four hundred and ninety dollars; to Fielden L. White, jailer of Madison county, one hundred and eighteen dollars and eighty cents; to T. L. Toulmin, sheriff of Mobile county, four hundred and sixty-three dollars; to Benjamin Dorman, sheriff of Greene county, two hundred and twenty-five dollars and forty-five cents; to Edward Ellis, jailer of Montgomery county, thirty-three dollars and twenty cents; to John Welsh, jailer of Perry county, ninety-seven dollars and sixty cents; to David Frasier, jailer of St. Clair county, two hundred and ninety-eight dollars and eighty cents; to Mark Meeks, sheriff of Fayette county, ninety-eight dollars; to Eli Abbott, jailer of Autauga county, thirty-eight dollars and forty cents; to James Bevil, jailer of Fayette county, ten dollars; to John Boulter, sheriff of Clarke county, forty dollars; to Jacob D. Shelly, sheriff of Shelby county, fifty-six dollars and forty cents; to Michael Shaffer, jailer of Blount county, two dollars and eighty cents; to Aaron Redus, jailer of Limestone county, one hundred and three dollars and sixty cents; to John Grigg, sheriff of Lawrence county, four hundred and fifty dollars; to William Y. Higgins, jailer of Montgomery county, one hundred and thirty-two dollars and

T J Abbott.

G C King.

James Rather

Members of  
General As-  
sembly.

For jailer of  
Mad son.

Sh'ff Mobile.

Sh'ff Greene.

Sh'ff Mont.

Sh'ff Mont.

Jailer Perry,

Jailer St Clair

Sh'ff Fayette

Ja'lr Autauga

Ja'lr Fayette

Sh'ff Clarke.

Sh'ff Shelby.

Ja'lr Blount.

Ja' Limestone

Sh'ff Law'nce

Ja' Montg'ry

\_\_\_\_\_ forty cents; to Ezekiel Henry, sheriff of Shelby county, thirty-  
 Sh'ff Shelby. nine dollars and thirty four cents; to Anderson Bean, sheriff of  
 Sh'ff Frankl'n Franklin county, for removing David M. Smithson one hundred  
 and thirty miles, ninety-one dollars and twenty-seven cents; to  
 Sh'ff Walker Elisha Duvall, sheriff of Walker county, for taking David M.  
 Smithson charged with murder, from Walker court house to  
 Russellville, and James and Elisha Payne, upon a charge of  
 horse stealing, two hundred and fifty-eight dollars and seventy-  
 Sh'ff St Clair. five cents; to John Massey, deputy sheriff of St. Clair county,  
 for taking three Indians, charged with horse stealing from  
 Moulton to St. Clair county, eighty-seven dollars and twenty-  
 five cents.

Sec. 2. *And be it further enacted*, That the sum of seven hun-  
 dred and forty-eight dollars and seventy cents, be, and the same  
 is hereby appropriated for the payment of Camel Sharp, jailer  
 of Monroe county: *Provided*, the Comptroller of public ac-  
 counts shall not issue his warrant for the same, until the said  
 Camel Sharp shall have his accounts proven and certified by the  
 Circuit Court of Monroe county as required by law, or so much  
 thereof as shall be allowed by said Court.

Sec. 3. *And be it further enacted*, That the sum of one hun-  
 dred dollars, be, and the same is hereby appropriated for the  
 payment of Matthew D. Thomason, being his salary as Quarter  
 Master General, for the year eighteen hundred and twenty six.

Sec. 4. *And be it further enacted*, That the following sums  
 be, and the same are hereby appropriated for the payment of  
 certain persons herein named for making returns of the elec-  
 tions for electors for President and Vice President, and for  
 members to Congress, to wit: Carter B. Harrison, sheriff of  
 Dallas county, fifteen dollars and twenty-five cents; to Samuel  
 Lauderdale, sheriff of Lauderdale county, fifteen dollars; to Rufin  
 Limestone, sheriff of Limestone county, six dollars; to Joseph  
 Baldwin, sheriff of Baldwin county, fifteen dollars; to James W.  
 Bibb, sheriff of Bibb county, eighteen dollars; to Elisha Du-  
 vall, sheriff of Walker county, fifteen dollars; to Allen Moore,  
 sheriff of Washington county, thirty-three dollars and fifty cents;  
 to C. C. Thompson, sheriff of Fayette county, nine dollars and  
 twenty-five cents; to William Lae, sheriff of Conecuh county,  
 thirty-six dollars; to John Staten, sheriff of Blount county, twen-  
 ty-one dollars; to James Finklea, sheriff of Covington county,  
 eighteen dollars and twenty-five cents; to John Boulter, sheriff  
 of Clarke county, nine dollars and twenty-five cents; to Ander-  
 son Bean, sheriff of Franklin county, forty-five dollars and  
 twenty-five cents; to Jacob D. Shelly, sheriff of Shelby coun-  
 ty, fifteen dollars; to John S. Edwards, sheriff of St. Clair  
 county, twenty-one dollars; to Garrett Fitzgerald, sheriff of  
 Marion county, fifteen dollars and twenty-five cents; to George  
 W. Conley, deputy sheriff of Lawrence county, twelve dollars  
 and fifty cents; to J. L. Owens, sheriff of Morgan county,  
 twenty-four dollars and twenty-five cents; to William Payne,  
 sheriff of Butler county, fifteen dollars; to Benjamin Dorman,  
 sheriff of Greene county, twenty four dollars; to Jesse B. Nave,  
 Perry.

sheriff of Perry county, twelve dollars; to Thomas Davis, sheriff of Pickens county, twenty-four dollars and fifty cents; to T. L. Pickens, Toulin, sheriff of Mobile county, thirty-one dollars and twenty-five cents. Mobile.

Sec. 5. *And be it further enacted*, That the following sums be, For payment and the same are hereby appropriated, for the payment of certain persons herein named for publishing joint resolutions of certain printers for adv. joint resolutions. proposing amendments to the constitution of the State of Alabama, to wit: to Dandridge Fariss, fifty-six dollars; to Thomas B. Grantland, fifty-six dollars; to James Hillhouse, fifty six dollars; to David Fulton, fifty-six dollars; to Thaddeus Sanford, eighty-seven dollars and seventy-five cents; to Thomas J. Frow, seventy-five dollars; to Philip Woodson, fifty six dollars; to William B. Travis, ninety-one dollars; to D. Furgason, forty-five dollars; to Moseley Baker, fifty-six dollars; to Willie Conner, fifty-six dollars.

Sec. 6. *And be it further enacted*, That the sum of fifty-eight Dr D Moore dollars and fifty cents, be, and the same is hereby appropriated for the payment of Doctor Davis Moore of St. Clair county, for medical services rendered to persons confined in the jail of said county, which services were rendered by order of Judge Lipscomb.

Sec. 7. *And be it further enacted*, That the sum of three Wm G Parrish hundred and thirty-seven dollars and sixty-seven cents, be, and the same is hereby appropriated for the payment of William G. Parrish for office rent for the Comptroller, Treasurer and Secretary of State during the last year.

Sec. 8. *And be it further enacted*, That the sum of two J B Hazard thousand eight hundred and thirty-six dollars and twelve and a half cents, be, and the same is hereby appropriated for the payment of John B. Hazard, being the amount of a judgement in favor of said Hazard, against the State of Alabama, to be paid in the notes of the Tombeckbe Bank.

Sec. 9. *And be it further enacted*, That the sum of fifteen B G Sims dollars, be, and the same is hereby appropriated for the payment of B. G. Sims, Esq. for administering the requisite oaths of office to the members and officers of the present General Assembly.

Sec. 10. *And be it further enacted*. That the sum of fifty W I Gilbert dollars, be, and the same is hereby appropriated for the payment of William I. Gilbert, for apprehending and prosecuting to conviction, James Martin for horse stealing.

Sec. 11. *And be it further enacted*, That the sum of one C Lewin hundred and twenty-five dollars, be, and the same is hereby appropriated for the payment of Charles Lewin, Quarter Master General, for house rent for the safe keeping of the public arms.

Sec. 12. *And be it further enacted*, That the sum of J Low three hundred dollars, be, and the same is hereby appropriated for the payment of John Low, for taking the census of the Creek Indians in Pike county as required by law.

Sec. 13. *And be it further enacted*, That the sum of forty

**J Thompson** dollars, be, and the same is hereby appropriated for the payment of James Thompson for his services as messenger to the Committee appointed to investigate the official conduct of Patrick Scott, Judge of the County Court of Blount county.

**M T Brand-  
Tey & J Staton** Sec. 14. *And be it further enacted*, That the sum of twenty dollars, be, and the same is hereby appropriated for the payment of Mace T. Brindley and John Staton, for attending as witnesses in behalf of the State, against Patrick Scott, Judge of the County Court of Blount county.

**J H Dearing  
J H & A H  
Sommerville  
D Woodruff  
and & Broth.  
H A Snow  
W R Colgin  
N Hughes  
A Lynch  
R M Laughlin  
Sims & Scott  
W Nichols  
H Perkins  
J S Fitch** Sec. 15. *And be it further enacted*, That the sum of five hundred and seventy-two dollars, seventy-eight and a half cents, be, and the same are hereby appropriated for the payment of certain persons herein named. for books, stationary, fuel, tables, chairs, benches, repairs, &c. to wit: to James H. Dearing, two hundred and twenty five dollars and ten cents; to J. H. and A. H. Sommerville, thirty-one dollars and seventy five cents; to D. Woodruff, six dollars thirty-seven and a half cents; to Andrews and Brothers, thirty-seven dollars and ninety-four cents; to Henry A. Snow & Co. eight dollars and ninety-three and three fourth cents; to William R. Colgin, five dollars; to Nathan Hughes, five dollars and twenty five cents; to A. Lynch, three dollars and fifty cents; to Robert McLaughlin, to dollars and seventy-five cents; to Sims and Scott, eighty dollars and twenty-five cents; to William Nichols, fifty two dollars and fifty cents; to H. Perkins, ninety-four dollars and thirty-three and a third cents; to John S. Fitch, nineteen dollars.

**Sheriff of Jefferson** Sec. 16. *And be it further enacted*, That the sum of twelve dollars, be, and the same is hereby appropriated for the payment of John B Ayres, sheriff of Jefferson county. for making return of the Congressional election from said county.

**Sheriff of Tuscaloosa** Sec. 17. *And be it further enacted*, That the sum of one hundred and eighteen dollars, eighty-seven and a half cents, be, and the same is hereby appropriated for the payment of Elias Jenkins, sheriff of Tuscaloosa county, for personal attendance on the Supreme Court, July term, eighteen hundred and twenty-nine, for house rent, servant hire, &c.

**John Tatom** Sec. 18. *And be it further enacted*, That the sum of fifty dollars, be, and the same is hereby appropriated for the payment of John Tatom, door keeper, for servant hire and extra official services performed the present session of the Legislature.

**D M'Farlane** Sec. 19. *And be it further enacted*, That the sum of forty-five dollars, be, and the same is hereby appropriated for the payment of Dugald McFarlane, for publishing the joint resolutions proposing amendments to the constitution of the State of Alabama, limiting the tenure of the Judges to six years.

**D Fariss** Sec. 20. *And be it further enacted*, That the sum of forty-two dollars, be, and the same is hereby appropriated for the payment of Dandrige Fariss, for publishing joint resolutions, proposing amendments to the constitution of the State of Alabama in the year eighteen hundred and twenty-eight.

**Jailer of Tuscaloosa.** Sec. 21. *And be it further enacted*, That the sum of one hundred and sixty-two dollars, be, and the same is hereby ap-

appropriated for the payment of W. A. McDaniel, jailer of Tuscaloosa county, for provisions furnished to certain prisoners confined in the jail of said county.

Sec. 22. *And be it further enacted*, That the sum of ninety-nine dollars and thirty-nine cents, be, and the same is hereby appropriated for the payment of McGuire, Henry and Walker for printing the report of the examining Committee in relation to the conduct of the land Commissioners, to be paid out of any money in the Treasury not otherwise appropriated. M'Guire & Co,

Sec. 23. *And be it further enacted*, That the sum of fifteen dollars, be, and the same is hereby appropriated for the payment of Benjamin G. Sims for services as clerk to the Committee on public buildings, or the examination of the official conduct of the Superintendent of the State Capitol, and for administering oaths as a justice of the peace to witnesses on that examination. B G Sims

Sec. 24. *And be it further enacted*, That the sum of one hundred and thirty-four dollars forty-three and three fourth cents, be, and the same is hereby appropriated for the payment of John Beacham for going to the Governor of Tennessee, demanding William Clifton, and going to Weakly county in said State, and conveying to Lawrence county the said William Clifton on a charge of horse stealing. J Beacham

Sec. 25. *And be it further enacted*, That the sum of one hundred and forty-two dollars and fifty cents, be, and the same is hereby appropriated to the payment of Henry Norwood, sheriff, of Jackson county, for victualling Charles Collier and carrying him to Huntsville, on a change of venue, and making return of the Congressional election. H Norwood

Sec. 26. *And be it further enacted*, That the sum of three hundred and eleven dollars, eighty-seven and a half cents, be, and the same is hereby appropriated to George W. Sneed of Lauderdale, for provisions furnished prisoners in the jail of said county, and taking James Kain to Moulton on a change of venue. G W Sneed

Sec. 27. *And be it further enacted*, That the sum of eighty dollars and forty cents, be, and the same is hereby appropriated to the payment of John Dickey of Lauderdale county for provisions furnished certain prisoners in the jail of said county. John Dickey

Sec. 28. *And be it further enacted*, That the sum of forty-six dollars, be, and the same is hereby appropriated to Jesse B. Roberts for conveying to the jail of Limestone county, Elisha B. Smoot and Catharine Rice on a charge of murder. J B Roberts

Sec. 29. *And be it further enacted*, That the sum of seventy-five dollars and sixty cents, be, and the same is hereby appropriated to the payment of Thomas G. Hutchinson, jailer of St. Clair county, for provisions furnished prisoners in the jail of said county. T G Hutchinson

Sec. 30. *And be it further enacted*, That the sum of forty dollars and twelve and a half cents, be, and the same is hereby appropriated to the payment of Alexander Turner, for making Alex Turner,

- return of the Congressional election, including ferriage, for the county of Henry.
- John Turner      Sec. 31. *And be it further enacted,* That the sum of thirty-four dollars, be, and the same is hereby appropriated to the payment of John Turner for making return of the Congressional election of the county of Dale.
- J H Gorman      Sec. 32. *And be it further enacted,* That the sum of forty-five dollars and fifty cents, be, and the same is hereby appropriated for the payment of James H. Gorman, for making returns of the Congressional election for the county of Autauga, including ferriage while thus engaged.
- Hampton and  
Mitchell      Sec. 33. *And be it further enacted,* That the sum of eighteen dollars, be, and the same is hereby appropriated to the payment of Hampton and Mitchell, for printing five hundred copies of the report of the Committee appointed by the Senate to investigate the conduct of the Land Commissioners.
- J H Dearing      Sec. 34. *And be it further enacted.* That the sum of one hundred and fifty-five dollars, ninety-three and three fourth cents be, and the same is hereby appropriated to the payment of James H. Dearing & Co. including thirteen dollars, twelve and a half cents omitted in January, eighteen hundred and twenty-nine, all for stationary furnished the present session, except the above mentioned item.
- R McLaughlin.  
lin.      Sec. 35. *And be it further enacted,* That the sum of seven dollars, eighty-seven and a half cents, be, and the same is hereby appropriated to the payment of Robert McLaughlin for repairs to locks on tables.
- J S Fitch.      Sec. 36. *And be it further enacted.* That the sum of four dollars and fifty cents, be, and the same is hereby appropriated to the payment of John S. Fitch, for one dozen spit boxes.
- Sommervill's      Sec. 37. *And be it further enacted,* That the sum of twenty-five dollars, be, and the same is hereby appropriated to the payment of J. H. and A. H. Summerville, for stationary furnished at the present session.
- Sims & Scott.      Sec. 38. *And be it further enacted,* That the sum of twenty-five dollars, twelve and a half cents, be, and the same is hereby appropriated to the payment of Sims and Scott for candles furnished at the present session.
- W Nichols.      Sec. 39. *And be it further enacted,* That the sum of ten dollars and fifty cents, be, and the same is hereby appropriated to the payment of William Nichols for the President's table and table furnished the Secretary of the Senate, and table furnished the conference room.
- T Blackstone      Sec. 40. *And be it further enacted,* That the sum of six dollars, be, and the same is hereby appropriated to the payment of Thomas Blackstone for his attendance as judge advocate, on the trial of Col. William Matthews, of the twenty-fifth regiment of Alabama militia.
- S B Ewing.      Sec. 41. *And be it further enacted,* That the sum of three dollars, be, and the same is hereby appropriated to the payment of Samuel B. Ewing, for an axe furnished for the use of the Senate the present session.



Sec. 42. *And be it further enacted,* That the sum of eight dollars, be, and the same is hereby appropriated to the payment of Thomas J. Abbott, for his services as clerk to the joint committee of the two Houses, for his services in investigating the returns of the amendment to the constitution, in regard to the tenure of the Judges. T J Abbott.

Sec. 43. *And be it further enacted,* That the sum of forty dollars, be, and the same is hereby appropriated to the payment of James A. Bates, for servant hire at the present session. J A Bates. J B Ayres.

Sec. 44. *And be it further enacted,* That the sum of twelve dollars, be, and the same is hereby appropriated to the payment of John B. Ayres, sheriff of Jefferson county, for making return of the election of President and Vice President of the United States in eighteen hundred and twenty-eight.

Approved, January 20, 1830.

### AN ACT

To authorize Daniel Fields, and his associates, to turnpike a Road in the county of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel Fields and his associates, be, and they are hereby authorized to turnpike a road leading from Edward Cox's, in Blount county, and to terminate at the foot of the mountain in Morgan county; and that the said road shall be opened twenty feet wide, fourteen feet of which shall be cleared of stumps, and trees cut down within four inches of the ground, and all grubbs and roots removed, the sloping ground and banks of creeks to be so cut down and levelled as to be safe and easy for the passage of horsemen, carriages, &c. all marshes, swamps and creeks, to be causewayed or bridged, with ditches on each side of causeways when necessary. Daniel Fields & Co. authorized to turnpike a certain road. Width &c.

Sec. 2. *And be it further enacted,* That Nathan Bagley and Edward Cox, be, and they are hereby appointed commissioners, to view and examine the condition of said road, three times in each year, and report the condition of said road to the County Court of Blount county; and so soon as said Daniel Fields and his associates shall have put said road in such repair as they shall think complies with the requisitions of this act, they are hereby authorized to call on said commissioners, whose duty it shall be to view the situation of said road, and report the same to their County Court; and if said commissioners should recommend the erection of a gate, the judge shall cause an order to be made authorizing the same, and the clerk of said County Court shall, on demand, deliver to said Daniel Fields and his associates, a copy of said order, which shall be authority to them to erect a gate on said road, and receive the following toll for passing the same, to wit: for each loaded wagon and team, fifty cents; for each empty wagon and team, thirty-seven and a half cents; for each loaded cart, twenty-five cents; for each empty cart, twenty-five cents; for each four wheeled pleasure carriage, fifty cents; for each two wheeled pleasure carriage, twenty-five cents. Commissioners appointed To report condition of road. Toll gate. Rates of toll.

cents ; for each carryall or dearborn, twenty-five cents ; for a man and horse, twelve and a half cents ; for each led or loose horse, six and a fourth cents ; for each head of cattle, one cent ; for each head of hogs, sheep or goats, one cent: *Provided*, that nothing in this act shall authorize said Daniel Fields and his associates, to demand toll of the carrier of the United States' mail, or from persons bearing express to or from officers or troops of the United States, or any of the States, or of persons travelling on foot, or of jurors, or state's witnesses, going to or returning from any Court, or persons going to or returning from any public muster, court martial, election, or any place of divine worship.

Penalty for  
keeping road  
out of repair.

Sec. 3. *And be it further enacted*, That whenever the Judge of the County Court of Blount county shall be informed, in direct terms, by any one of said commissioners, or by any other person on oath, subscribed by the party giving such information, that said road, or any part thereof is out of repair, said judge shall forthwith notify said Daniel Fields, or either of his associates, of that fact, and require of him, or either of his associates, without delay to repair the same, and his failing so to do, within a reasonable time, said judge shall order a review of the said road, by the commissioners, and should said commissioners find such breach actually to exist, they shall open the gate and report accordingly to said judge ; and said commissioners shall receive two dollars per day while in such service, to be paid by the said Daniel Fields and his associates, on the production of the order of said judge, to be made to that effect ; and should the said Daniel Fields and associates, by themselves or agent, receive any toll before the road thall have been repaired and received by the Court or judge thereof, as directed by the third section of this act, they shall forfeit and pay five dollars for every such offence, to any person who will sue for the same.

For receiving  
toll when out  
of repair.

When to be  
completed.

Sec. 4. *And be it further enacted*, That said road shall be put in repair as required by this act, within two years from the first day of March, otherwise all the rights and privileges granted by this act, shall be forfeited ; and should the said Daniel Fields and associates, for two months at any time, refuse to repair said road, after the gates shall have been opened by said commissioners, under the direction of the Court, in pursuance of the provision of this act, all the rights and privileges herein to them granted, shall be forfeited.

Articles of  
agreement  
when and  
where to be  
recorded.

Sec. 5. *And be it further enacted*, That the said Daniel Fields and his associates, shall, within six months after the passage of this act, present to the judge and road commissioners for the county of Blount, their article of agreement and association, which shall be duly recorded by the clerk of said Court ; and the said Daniel Fields and his associates, shall give bond, payable to the judge of the County Court for the county of Blount, and his successors in office, in such amount and security, as shall be satisfactory to the said judge and commissioners, for the performance of their undertaking ac-

Bond to be  
given.

Sec. 6. *And be it further enacted,* That the said Daniel Fields and his associates, shall be entitled to all the privileges and immunities hereby granted, for and during the term of ten years from the passage of this act. Right granted for ten years.

Sec. 7. *And be it further enacted,* That if any person shall attempt to evade the payment of any toll or tolls allowed by this act, by passing through the gate, authorized by this act to be set up, arbitrarily, or having passed refuse or neglect to pay the toll allowed in said act, or pass round the said gate, such person or persons, so offending, shall pay to the said Daniel Fields and his associates, his or their agent, the sum of five dollars for every such offence, recoverable by any justice of the peace in this State having cognizance thereof. Penalty for avoiding toll.

Sec. 8. *And be it further enacted,* That any person or persons who shall, in any manner whatever, impair, or in any manner whatever obstruct the said road, either before or after its completion, such person or persons, on conviction before any justice of the peace for this state, having cognizance thereof, shall pay to the said Daniel Fields, and his associates, or to his or their agent, the sum or sums of money, or suffer such other fines and forfeitures, as are or may be assessed or inflicted by the laws of this state regulating public highways. For obstructing road.

Sec. 9. *And be it further enacted,* That in the event of the death, resignation or refusal to act, of either or all of the commissioners appointed by this act, it shall be the duty of the judge of the County Court of Blount county, to fill such vacancy or vacancies; and the commissioners so appointed shall have all the powers vested by this act in the original commissioners: *Provided,* that nothing in this act shall be so construed as to authorize the proprietors aforesaid to exercise banking powers. Vacancies how filled.

Approved, January 16, 1830.

### AN ACT

Appointing Commissioners to mark out a Road through that part of Pike county now occupied by the Creek Indians, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel Swilley, Samuel G. B. Adams, John Purify, John Windham and William Head, be, and they are hereby appointed commissioners to mark out a road, commencing at or near Daniel Lewis', in Pike county, thence, the nearest and best route, to the Chattahoochee river. Commissioners appointed to mark out a road from Daniel Lewis' in Pike county to the Chattahoochee.

Sec. 2. *And be it further enacted,* That the above named commissioners shall have power to appoint an overseer or overseers, and apportion all the hands living within seven miles of the commencement of said road, other than Indians; and the said overseer shall require the hands so apportioned, to work on said road four days in each and every year, upon his giving ten days notice to said hands, of the time and place, when and where to meet, which four days shall be deducted from the ten days which the said hands are required by law to work on other roads. To appoint overseers and apportion hands.  
Hands to work on road four days.

**Penalty for refusing to work on road** Sec. 3. *And be it further enacted*, That any person appor-  
tioned as above, who shall neglect or refuse to work, shall be  
subject to the same laws, and shall be proceeded against in  
the same manner, as is now provided by law, against default-  
ers, neglecting or refusing to work on roads.

**Commissioners to point out one mile upon the west bank of the river for the use of the citizens of Pike.** Sec. 4. *And be it further enacted*, That the said commis-  
sioners shall designate one mile upon the west bank of said  
river, and one mile back from the same, for the use of the  
citizens of the said county of Pike, for the purpose of erecting  
thereon, warehouses, wharfs, and doing all other things ne-  
cessary for the transportation, receiving and keeping safe, all  
and every species of merchandize: *Provided*, that the said  
place, so designated, shall not include any Indian settlement  
within its limits.

**When to take effect.** Sec. 5. *And be it further enacted*, That this act shall take  
effect and be in force, from and after the passage thereof.

Approved, January 20, 1830.

### AN ACT

To establish a Turnpike Road therein mentioned.

**From Marston Meads to E P Wallis'.** Section 1. *Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened*,  
That a turnpike road leading from Marston Mead's, in Blount  
county, by the nearest and best route to Ezekiel P. Wallis',  
at the foot of the Cumberland mountain, on the route to  
Ditto's Landing, be, and the same is hereby established.

**R H Rogers & Co. authorized.** Sec. 3. *And be it further enacted*, That Robert H. Rogers,  
Yelverton C. Woodward and their associates, be, and they are  
hereby authorized and empowered to lay out and open said  
road, by the most eligible route which they have, or may  
hereafter discover.

**To erect toll gate.** Sec. 3. *And be it further enacted*, That the said Robert  
H. Rogers and his associates, be, and they are hereby au-  
thorized, so soon as they shall have laid out and completed  
the said road as hereinafter required, to erect a turnpike  
gate thereon, and demand and receive of and from each  
and every person who shall or may travel on said road, and

**Rates of toll** pass through the said gate, for every four wheeled carriage  
seventy-five cents; for every two wheeled carriage twenty-  
five cents; for every man and horse twelve and a half cents;  
for every horse or mule four cents; for every head of cattle  
two cents; for every head of sheep, hogs, or goats one cent:

**Proviso** *Provided*, that nothing in this act shall be so construed, as  
to authorize the said Robert H. Rogers and his associates,  
to erect a turnpike gate on said road, until the same shall be  
cut out twenty feet wide, twelve feet of which shall be  
grubbed, and all banks of creeks and hills put in such order  
that loaded wagons can pass with convenience: *Provided*,  
that the said proprietors are required to cause the said road  
to be worked on in its whole extent, and put in safe, passable  
condition for wagons, carriages and horsemen.

Sec. 4. *And be it further enacted*, That the said Robert H. Rogers and his associates, are hereby authorized to establish a turnpike gate at any place on said road they may deem necessary, on that part of the road lying in Blount county, and if any person shall pass round or through said gate, with intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said Robert H. Rogers and his associates, treble the amount which his, her, or their toll would have been; to be recovered before any justice of the peace, with legal costs for the same.

To put up a gate on any part of road in Blount.  
Penalty for avoiding toll.

Sec. 5. *And be it further enacted*, That John Yeilding, David Bush, and Daniel Fields be, and they are hereby appointed commissioners, who shall review said road established by virtue of this act, and they or a majority of them shall decide, whether, in their opinion, the road is completed so as to authorize the reception of toll; and if, in the opinion of said commissioners, the road is not in good and complete order, as prescribed by this act, they shall direct the turnpike gate to be opened; and no toll shall be demanded or received, under the penalty of twenty dollars for each offence, recoverable before any justice of the peace with legal costs, and the said commissioners appointed by virtue of this act, shall receive such compensation as the County Court of Blount may direct to be paid by the said Robert H. Rogers and his associates: *Provided*, that whenever the Judge of the County Court of Morgan or Blount county, shall be informed in direct terms by unquestionable authority, that any part of the said road is out of order or repair, such Judge shall forthwith notify the proprietors, their agent or agents of this fact and shall require them without delay to repair the same as directed by this act, and on failure to do so in a reasonable time, such Judge, or either of them, shall order a review of said road by three competent commissioners, appointed by the said Court to examine the said road, and should the said road be out of order and repair, then they shall open the toll gate and report accordingly to the Court by which they may have been appointed, and should the proprietors or their agents receive any toll before the said road shall be repaired, and received by the commissioners appointed by said Court, they shall forfeit and pay to any person suing for the same, five dollars for every such offence, to be recovered before any justice of the peace in Morgan or Blount counties.

Commissioners appointed to review road.

Gates to be opened when road is bad.  
Penalty.

Compensation.

Proviso.

Sec. 6. *And be it further enacted*, That the said Robert H. Rogers and his associates, shall commence the said road within twelve months after the passage of this act, and the same shall be completed within three years thereafter, or forfeit their right hereby granted, and the said Robert H. Rogers, and his associates shall have all benefits and profits arising from the tolls as aforesaid, for the period of ten years from the completion of said road.

When to commence and complete road.

Right for ten years.

Approved, January 7, 1830.

## AN ACT

To appoint Commissioners to mark and lay out a certain road therein specified.

Commissioners appointed to mark out a road from Greensboro' to Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Young, of Greene, Samuel Strudwick of Marengo, Dabney Edwards of Clarke, Daniel Coleman of Washington, and Thomas G. Newbolt and Henry Centre of Mobile counties, or a majority of them, be and they are hereby appointed commissioners to view and mark out a way for a state road, to commence at a point on the state road leading from Tuscaloosa to Claiborne, at or near the town of Greensborough running from thence, the best, nearest and most direct route the nature of the country will admit of; passing by Linden thence to Coffeeville; thence the most direct route, that is practicable for carriages in high stages of water, to Mobile.

Oath.

Sec. 2. *And be it further enacted,* That before the commissioners enter on the duties herein assigned to them, they shall take and subscribe the following oath, viz: I, ——— will truly and faithfully to the best of my judgement and knowledge, view, mark out and report the best and most direct way for a road to lead from a point commencing on the state road leading from Tuscaloosa to Claiborne, at or near the town of Greensborough, from thence the nearest and best route the country will admit of, by Linden and Coffeeville, thence the most direct route to Mobile, which is practicable for the passage of carriages in high stages of water, in conformity to the act under which I am commissioned, so help me God; which certificate of oath shall be transmitted by the judge or justice of the peace administering the same, to the clerk of the Circuit Court of the county wherein the said commissioner resides, for safe keeping, and it shall be the duty of said commissioners after completing said view, to make out a report of the same, together with such observations respecting the water courses and other obstructions on the route they shall have marked off, together with their opinion of the best mode of clearing and opening the said road, and the probable expense thereof, which report they shall transmit to the Governor for his approval to act on as hereinafter requested.

Certificate of oath, where filed.

Commissioners to report to Governor.

Vacancies how filled.

Sec. 3. *And be it further enacted,* That if any vacancy shall take place by decease or refusal to act, by those herein appointed, such vacancy shall be filled by the judge of the County Court, of the county wherein the person creating the same shall reside.

When running on a road now used to report the same.

Sec. 4. *And be it further enacted,* That when the commissioners, when marking off the way, run on a road now used, they shall report the same, as far as such road runs on the route they may determine to mark off, describing the situation of such road.

Compensation.

Sec. 5. *And be it further enacted,* that the commissioners shall receive as a compensation for their services on making

such report and view, the sum of three dollars per day, for each and every day in which they may be engaged, in viewing and marking said road, to be paid out of the revenue of the three per cent fund.

Sec. 6. *And be it further enacted*, That so soon as the report is made by the commissioners, and received and approved of by the Governor, he shall transmit an account of the same, to the Judges of the County Courts of the counties through which the said road shall pass, and it shall be the duty of the Judges of said counties, as soon after as possible, to lay off said road into precincts, and appoint apportioners to apportion the hands to open and clear out said road, and all persons living within five miles of the same, liable by law to work on public roads, shall be apportioned to work on said road.

Governor to transmit an account of report to certain county court judges, who shall lay off road into precincts and apportion hands.

Sec. 7. *And be it further enacted*, That it shall be the duty of the said commissioners, to meet at Coffeetown, and proceed to discharge the duties herein prescribed, either by dividing themselves into two companies, or to act together, as to them shall seem most expedient, as soon as practicable, and that when they have so performed their duties, they shall convene together and make out their report agreeably to the provisions of this act.

Commissioners to meet at Coffeetown.

Sec. 8. *And be it further enacted*, That the commissioners appointed by virtue of this act, be, and they are hereby directed to make a detailed report to the next General Assembly, during the first week of its session, shewing the route they may select for said road, the distance they have marked out the same, the nature of the soil over which the same may pass, the number of creeks thereon necessary to be bridged, and the number of persons residing convenient to said road, and the probable ability of such persons to open and keep the same in repair.

To make report to next General Assembly.

Approved, January 20, 1830.

### AN ACT

To authorize James Davis, and associates, to turnpike a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Davis, John and George Sutherland, David Goodloe, and their associates, be, and they are authorized to turnpike the military road, commencing at the bridge on Spring Creek, where the military road crosses the same in the county of Franklin; thence along said road to the Good Spring, near the three mile post, north of the town of Russellville; that said road shall be opened twenty feet wide, fourteen feet of which shall be cleared of stumps and trees, cut down level with the ground, and all grubs and roots removed; the sloping ground and banks of creeks to be cut down and levelled, as to be safe and easy for the passage of horsemen, carriages, and so forth; and all marshes, swamps and creeks to be causewayed, or bridged, with ditches on each side of causeway when necessary.

James Davis and associates authorized to turnpike a certain road

Width &c.

Com'rs appointed to examine road and report condition to the judge county court,

Toll gate.

Rates of toll.

Who exempt from toll.

Penalty for keeping the road out of repair.

Commissioners compensation.

Sec. 2. *And be it further enacted*, That David Keller, James Ramsay and John Cook, of Franklin county, be, and they are hereby appointed commissioners, to review and examine the condition of said road, three times in each year, if they should deem it necessary, and report the condition of said road to the Judge of the County Court of Franklin, and so soon, as James Davis, John and George Sutherland, David Goodloe, and their associates, shall have put said road in such repair as they shall think complies with the requisitions of this act, they are hereby authorized to call on the said commissioners, whose duty it shall be to review the situation of said road, and report the same to the Judge of the County court; and if said commissioners shall recommend the erection of a gate, the Judge shall cause an order to be made, authorizing the same, and the clerk of said County Court shall, on demand, deliver to the said James Davis, John and George Sutherland, and David Goodloe, and their associates, a copy of said order, which shall be authority for them to erect a gate on said road, between the foot of the mountain, south of said bridge on Spring creek, and the said three mile post north of Russellville and receive the following, toll for passing the same, to wit: for each wagon and team, loaded, fifty cents; for each empty wagon, thirty-seven and a half cents; for each loaded cart, twenty-five cents; for each empty cart, twelve and a half cents; for each four wheeled pleasure carriage, fifty cents; for each two wheeled pleasure carriage, or dearborn, twenty-five cents; for a man and horse twelve and a half cents; for each led or loose horse three cents; for each head of cattle, two cents; for each head of hogs, sheep, or goats, one cent: *Provided*, that nothing herein contained shall authorize said James Davis, John and George Sutherland, and David Goodloe and their associates, to demand toll of the carrier of the United States' mail, or from persons bearing expresses to or from officers or troops of the United States, or jurors or state witnesses going to or returning from any court, or persons going to or returning from any public muster, courts martial, election, or place of divine service.

Sec. 3. *And be it further enacted*, That whenever the Judge of the County Court of Franklin county, shall be informed in direct terms, by any one of said commissioners, or by any other person, on oath, subscribed by the party giving such information, that said road, or any part thereof, is out of repair, said Judge shall forthwith notify said James Davis, John and George Sutherland, David Goodloe, or either of them, or either of their associates, of that fact, and require either of them without delay to repair the same, and on their failing so to do within a reasonable time, said Judge shall order a review of said road by the commissioners; and should said commissioners find such breach actually to exist, they shall open the gate, and report accordingly to said Judge, and said commissioners shall receive two dollars per day



while engaged in said service, to be paid by James Davis, John and George Sutherland, David Goodloe, and their associates, on the production of the order of said Judge, to be made to that effect; and should the said Davis, John and George Sutherland, David Goodloe, and their associates, by themselves or their agents, receive any toll before the road shall have been repaired and received by the Judge of the County Court aforesaid, as directed by the third section of this act, they shall forfeit and pay five dollars for every such offence, to any person who will sue for the same: *Provided*, That on complaint by any person, other than one of said commissioners, if the report of said commissioners shall be that said road was in repair, said Judge shall on the return of said report, give judgement in favor of said commissioners against said informant, the amount of the commissioners' fees for making such review, and issue a proper process for the collection of the same.

Penalty for receiving toll when road is out of repair.

*Provided*.

Sec. 4. *And be it further enacted*, That said road shall be put in repair as required by this act, within two years from the passage thereof, otherwise all the rights and privileges granted by this act shall be forfeited; and should said Davis, John and George Sutherland, David Goodloe and their associates, for six months at any one time refuse to repair said road, after the gate shall have been opened by said commissioners under the direction of the Court, in pursuance of the provisions of this act, all the rights and privileges herein to them granted shall be forfeited.

When to be put in repair.

Sec. 5. *And be it further enacted*, That the said Davis, John and George Sutherland, Goodloe and their associates, shall, within six months after the passage of this act, present to the Judge of the County Court of said county, their articles of agreement and association, which shall be duly recorded by the clerk of said County Court; and the said Davis, John and George Sutherland, Goodloe and their associates, at the same time shall give their bond payable to the Judge of the County Court, in such amount and security as shall be satisfactory to the said Judge for their performance of their undertaking according to this act.

Articles of agreement when to be recorded.

Bond to be given.

Sec. 6. *And be it further enacted*, That the said Davis, John and George Sutherland, Goodloe and their associates, shall be entitled to all the privileges and immunities hereby granted, for and during the term of ten years from the opening of the gate on said road.

Right granted for ten years.

Sec. 7. *And be it further enacted*, That if any person shall attempt to evade the payment of any toll allowed by this act, by passing through the gates authorized by said act to be set up, arbitrarily, or having passed, refuse or neglect to pay the toll allowed in said act, or pass round the said gate, such person or persons so offending shall pay the said Davis, John and George Sutherland, Goodloe and their associates, or their agent, the sum of five dollars for every such offence, recoverable before any justice of the peace in this State.

Penalty for evading toll.

**For obstruct-** **Sec. 8.** *And be it further enacted,* That any person or persons, who shall in any manner whatever impair or obstruct the said road, either before or after its completion, such person or persons on conviction before any justice of the peace or court for said State, shall pay to the said Davis, John and George Sutherland, Goodloe, and their associates or agents such sum of money as may be an ample and full compensation for the damages done said road.

Approved, January 20, 1830.

### AN ACT

To authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates to turnpike a certain road therein named.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

**J A Chapman**  
and others  
authorized to  
turnpike a  
certain road.

That John A. Chapman, Simeon Chapman, Daniel Welch and their associates, be, and they are hereby authorized to open and turnpike a road, to commence on or near the west bank of the Coosa river, at or within seven miles of Fort Williams, to run from thence the nearest and best way they have, or may hereafter discover through the Creek Nation, on the nearest direction towards Milledgeville in the State of Georgia, to the line between this State and the State of Georgia.

**Width &c.**

*Sec. 2. And be it further enacted,* That the aforesaid road shall be opened thirty feet wide, fourteen feet of which shall be cleared of every obstruction, stumps and grubs shall be taken up by the root or cut level with the ground; the sloping grounds and banks of water courses, shall be so worked on as to admit the easy passage of all kinds of carriages; all marshes and swamps shall be causewayed fourteen feet wide, with good durable materials, in a workmanlike manner, with ditches on each side.

**Road when**  
completed to  
be reported  
to county  
court.

*Sec. 3. And be it further enacted,* That when the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates, shall have completed said road, and reported the same to the Judge of the County Court of Shelby county, it shall be the duty of the said Court to appoint three suitable persons, (two of whom shall be competent to act) to examine said road and report their opinion to said Court, and the said commissioners shall receive for their services such compensation as the said Court shall deem reasonable, to be paid by the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates.

**Commission**  
ers to be ap-  
pointed.  
**Compensa-**  
tion.

*Sec. 4. And be it further enacted,* That should the commissioners to be appointed under the third section of this act, report that the said road is in good order, then and in that case, the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates, are hereby authorized to erect two gates on said road, one on each side of the Tallapoosa river: *Provided,* that no gate shall be erected within five miles of the Coosa river; at each of which gates they may demand and receive of and from every person passing each of said gates the following toll, to wit: for every four wheel carriage, fifty cents; for every two wheel carriage twenty-five cents; for every man and horse twelve and

**Toll gates.**  
**Proviso.**

**Rates of toll,**

a half cents; for every loose or led horse six and a fourth cents; for every head of neat cattle three cents; for every head of sheep, goats, or hogs one and a half cents; and if any person shall pass round either of said gates with the intent to avoid the payment of toll, he or she, shall, for every such offence, forfeit and pay to the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates three times the amount which his or her toll would have been, to be recovered before any justice of the peace with legal costs for the same.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the County Court of Shelby county, on application, to appoint three commissioners, who shall proceed to examine the condition of said road, and report their opinion of the same to the said Court, and if in the opinion of said commissioners, the said road is not in good order, they shall direct the gates to be thrown open, and no toll shall be received under the penalty of twenty dollars for each offence until said road shall be repaired in a good and sufficient manner; and the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates shall commence said road in one year from the passage of this act, and shall complete the same within two years thereafter, and shall have all the profits arising from tolls of the same, for the period of ten years from the time they are authorized to erect gates on said road.

Gates to be opened when road is in bad order.

Penalty for receiving toll

Road when to be commenced & finished. Right for ten years.

Sec. 6. *And be it further enacted*, That if it shall become necessary to establish a ferry or ferries on said road, it shall be the duty of the commissioners' court of revenue and roads of the county through which said road may pass, and in which it may be necessary to establish such ferry or ferries, to grant to the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates, a license to keep such ferry or ferries, agreeably to the provisions of the law in such case made and provided.

Ferry may be kept.

Approved, December 19, 1829.

### AN ACT

To repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Judge and the Commissioners of roads and revenue for the county of Monroe, to divide that part of said road which lies between the Burnt Corn creek and the northern boundary line of Baldwin county, into precincts, and appoint overseers for the same, within the time now prescribed by law.

Co'ty court of Monroe to divide a certain road into precincts and appoint overseers

Sec. 2. *And be it further enacted*, That the Judge and the Commissioners of roads and revenue for the county of Conecuh shall divide that part of said road which lies between the Burnt Corn creek and the western line of Butler county, into precincts, and appoint overseers in like manner as aforesaid; and said Courts of said counties respectively, shall keep up a succession of overseers on said road, as on other public roads.

Co'ty court of Conecuh to divide a certain road into precincts and appoint overseers

Repeal.

**Sec. 3.** *And be it further enacted,* That all acts and parts of acts contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, December 29, 1829.

## AN ACT

To revive and continue in force for three years, an act for improving the road leading from Blakeley to the upper line of Baldwin county, by way of Durant's, passed sixth of January, eighteen hundred and twenty-seven.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act for improving the road leading from Blakeley to the upper line of Baldwin county, by way of Durant's, passed the sixth of January, eighteen hundred and twenty-seven, be, and the same is hereby revived and continued in force for three years, except so much of the second section, which applies to the revenues accruing to the treasury of Baldwin county, from fines, penalties, and forfeitures, together with twenty-five per centum of the county tax.

Approved, January 20, 1830.

## AN ACT

To amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act passed on the twenty-fourth day of December, eighteen hundred and twenty-four, entitled an act to establish a certain road therein named, as prevents the said Wyatt Cheatham from setting up his gates and demanding toll upon his turnpike road, until after said road has been examined by commissioners appointed by the County Court of Lawrence county and reported to be in good order, be, and the same is hereby repealed.

Repeal in part.

Comm'rs appointed to examine road  
To report to county court.  
Judge of county court to order  
W Cheatham to set up his gates.

**Sec. 2.** *And be it further enacted,* That Thomas Coopwood, D. G. Ligon and William Hodges be appointed commissioners to examine said road, and so soon as they shall report the same to be completed and in good order, which report shall be made to the Judge of the County Court of Lawrence county, either in term time or in vacation, the said Judge shall issue to the said Wyatt Cheatham, an order authorizing him to set up his gates, and receive the rates of toll heretofore affixed by law.

Approved, January 14, 1830.

## AN ACT

To amend an act passed the thirteenth day of January, eighteen hundred and twenty six, entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the road leading from Florence to Athens, (established by an act of the General Assembly passed the thirteenth day of January, eighteen hundred and twenty-six,) as lies between Maxwell's hill and the corner of Whitworth's field, be so altered, as to run between those

points with the old road ; and that the present road between the aforesaid points be discontinued.

Sec. 2. *And be it further enacted*, That the road established by the first section of this act, shall be opened and kept in repair in the manner prescribed by the act to which this act is amendatory.

Approved, December 19, 1829.

### AN ACT

To repeal an act to incorporate the town of Hazlegreen, in the county of Madison, passed June the 15th, 1831, and also the 12th section and so much of the 13th section of an act to alter the time of appointing overseers of roads, passed 24th December, 1824, as relates to the town of Hazlegreen.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act passed the fifteenth of June, eighteen hundred and twenty-one, entitled an act to incorporate the town of Hazlegreen, in the county of Madison, and the twelfth section and so much of the 13th section of an act passed the twenty-fourth December, eighteen hundred and twenty-four, entitled an act to alter the time of appointing overseers of roads, as relates to the town of Hazlegreen, in the county of Madison, be, and the same are hereby repealed.

Approved, January 20, 1830.

### AN ACT

To authorize the commissioned officers of the eleventh Regiment of the Alabama militia to fix a regimental muster ground.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the commissioned officers of the eleventh regiment of Alabama militia, to assemble at the town of Florence on the first Saturday in May next, between the hours of twelve and three of the said day, and then and there by ballot select a muster ground for their regimental musters, and it shall be the duty of the brigadier General for said brigade to order all future regimental musters to be at said selected place, any law to the contrary notwithstanding.

Brig. Gen. to order muster at the place selected.

Approved, January 16, 1830.

### AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decision and decree of the Circuit Court of Baldwin county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between John Fowler and Hannah Fowler, be, and they are hereby made void, and that the said John Fowler, be henceforth divorced from the said Hannah Fowler.

John Fowler divorced from Han'h Fowler

Sec. 2. *And be it further enacted*, That in conformity with the decision and decree of the Circuit Court of Dallas County, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Hillery Lee

Hillery Lee from Sabina Lee.

and Sabina Lee, be, and they are hereby made null and void, and that the said Hillery Lee be henceforth divorced from the said Sabina Lee.

**Eliza- Shep-  
ard from Jno  
Shepard.** Sec. 3. *And be it further enacted*, That in conformity with the decision and decree of the Circuit Court of Wilcox county exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Elizabeth Shepard and John Shepard, be, and they are hereby annulled and made void, and that the said Elizabeth Shepard be henceforth divorced from the said John Shepard.

**Jas. H. Roane  
from Anna  
Roane.** Sec. 4. *And be it further enacted*, That in conformity with the decision and decree of the Circuit Court of Morgan county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between James H. Roane and Anna Roane, be and the same are hereby annulled and made wholly void, and that the said James H. Roane be henceforth divorced from the said Anna Roane.

**Leger Borel  
from Theresa  
Borel.** Sec. 5. *And be it further enacted*, That in conformity with the decision and decree of the Circuit Court of Mobile county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Leger Borel and Theresa Borel, of the county of Mobile, be, and the same are hereby made null and void, and that the said Leger Borel be henceforth divorced from the said Theresa Borel.

Approved, January 20, 1830.

#### AN ACT

For the relief of Benjamin Hudson and William Alsobrook.

**Preamble:** Whereas, Elijah Smith, late tax collector of Franklin county, was found to be a defaulter to this State to the amount of ——— dollars and ——— cents, for the taxes due this State from said county; and whereas, on the twenty-second day of January, eighteen hundred and twenty-nine, an act was passed by the General Assembly of this State, for the relief of said Elijah Smith, tax collector as aforesaid, in which it is provided that said Smith should enter into bond with good security for the payment of the above amount, it being a balance of the taxes for said county: and whereas, in pursuance of the provisions of the above recited act, the said Smith did, on the eleventh day of February, eighteen hundred and twenty-nine, enter into bond with Benjamin Hudson and William Alsobrook as securities, and afterwards removed from this State:

**Allowed five  
years to pay  
the state.** Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Benjamin Hudson and William Alsobrook be allowed five years to pay the above amount to this State by annual instalments: *Provided*, they will enter into bond with good and sufficient security to be approved of by the Judge of the Circuit Court of the county of Franklin: *And provided further*, that nothing in this act contained shall be so construed as to release said Smith from his liability to said state.

**Proviso.**

Approved, January 14, 1830.

## AN ACT

For the relief of the Warrior Guards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Warrior Guards of the county of Tuscaloosa be, and they are hereby declared exempt from performing duty at regimental or battalion musters: *Provided*, they shall muster at least six times during each year. War. Guards exempt from regimental and battalion musters

Sec. 2. *And be it further enacted,* That the said Warrior Guards are hereby authorized to adopt any bye-laws or constitution for their own government, not repugnant to the laws of this State or the United States,) which shall be obligatory on the members of said company until repealed. Authoriz'd to make constitution and bye-laws.

Sec. 3. *And be it further enacted,* That all monies collected by any officer for fines assessed against any member, of said company, shall be paid over to the person authorized by said company to receive the same, and all monies so arising shall belong exclusively to said company, and be entirely under their controul. Money raised from fines to belong to co.

Sec. 4. *And be it further enacted,* That said company may consist of one hundred members. Company to consist of 100

Sec. 5. *And be it further enacted,* That the said volunteer company may elect a second lieutenant, in addition to the officers already authorized. 2d Lieut. to be elected.

Approved, January 14, 1830.

## AN ACT

For the relief of Sally Turner, executrix of Charles H. Turner, deceased,

Whereas it appears to the General Assembly, that in settling the affairs of Charles H. Turner, late of the county of Montgomery, deceased, his widow and executrix, Sally Turner paid several accounts above twenty dollars each, which were established by the oath of the creditors: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court of Montgomery county be, and he is hereby authorized and required to settle the accounts of Sally Turner, executrix of the estate of Charles H. Turner, deceased, on principles of equity and justice. Co'y court of Montgomery required to settle ac'ts of Sally Turner, executrix.

Sec. 2. *And be it further enacted,* That it shall be the duty of the clerk of the said County Court, to give to the said Sally Turner an exemplification annually, of the records appertaining to, and concerning the estate of the said Charles H. Turner, of which she is executrix, on application from her. Duty of clerk co'ty court

Sec. 3. *And be it further enacted,* That it shall be the duty of the judge of the County Court of Montgomery county, to settle with the said Sally Turner the estate of Charles H. Turner, deceased, so far as she may be ready to settle the same. Co'ty court to settle ac'ts of S Turner so far as she may be ready.

Sec. 4. *And be it further enacted,* That it shall be the duty of the clerk of the said County Court, to render, upon application of the said Sally Turner, an exemplification of the record of said settlements. Clk to render exhibit of settlements

Securities re-  
leased when  
executrix  
makes final  
settlement.

Sec. 5. *And be it further enacted*, That the securities of the said Sally Turner, executrix of Charles H. Turner deceased, be and they are hereby relieved and set free from all obligation as securities upon the bond of the said Sally Turner, executrix of Charles H. Turner, deceased, so soon as she shall have made final settlement with the said County Court of Montgomery county, of said estate according to the provisions of this act.

Approved, January 16, 1830.

### AN ACT

For the relief of Henry Sossaman.

Preamble.

Whereas it has been made apparent to this General Assembly that Henry Sossaman, who was employed to do the carpenter's work upon the State Capitol, and bound in a bond with heavy penalties to carry on the same whenever the brick work should be ready; and also to complete the same by the end of the month of September eighteen hundred and twenty eight: *And whereas, also*, it has been made satisfactorily to appear to this General Assembly, that the said Henry Sossaman was delayed in his work by the failure of the brick-layers to carry on and complete the brick work of said building, which delay continued nearly through the subsequent winter, to the great injury of the said Henry Sossaman: for remedy whereof,

Appropriation to Henry Sossaman.

Section 1. *Be it enacted*, that the Comptroller be, and he is authorized to issue his warrant upon the Treasurer in favor of said Henry Sossaman for the sum of one thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, which said sum shall be repaid into the treasury out of the seat of government fund. Approved, January 20, 1830.

### AN ACT

For the relief of Andrew O. Horn, taxcollector for Lawrence county.

Appropriation to A O Horn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of eighty-one dollars and ninety-one cents, be, and the same is hereby appropriated for the payment of Andrew O. Horn for his insolvent list as taxcollector for Lawrence county in the year eighteen hundred and twenty-six.

Sec. 2. *And be it further enacted*, That the Comptroller be directed to issue his warrant on the Treasurer in favor of the said Horn for the said sum of eighty-one dollars and ninety-one cents.

Approved, January 13, 1830.

### AN ACT

For the relief of William Winlock.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Winlock be entitled to all the rights and privileges of citizenship, enjoyed by other citizens of this State; and he is hereby made a competent witness in any court of record in this State, and before any person authorized to administer an oath, in all cases except those in which they are rendered incompetent by some known rule of evidence.

Approved, January 20, 1830.



## AN ACT

For the relief of James A. Thompson, taxcollector of Dallas county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of public accounts, be, and he is hereby authorized and required to allow to James A. Thompson, taxcollector of Dallas county for the year eighteen hundred and twenty-nine, the sum of one hundred and sixty-three dollars, thirty-seven and a half cents, being an amount overcharged in the assessment of that county. Comptroller to allow J. A. Thompson \$163 37 1-2. Approved, December 18, 1829.

## AN ACT

To alter the name of Lazarus Maddux to that of Leigh Maddux

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Lazarus Maddux, be, and the same is hereby changed to that of Leigh Maddux: *Provided,* that all responsibilities of the said Lazarus Maddux shall remain in as full and perfect effect against Leigh Maddux, as now exist against Lazarus Maddux, whose christian name is hereby changed from that of Lazarus, to that of Leigh. Approved, December 23, 1829.

## AN ACT

To change the name William Tankersley to that of William Parmer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of William Tankersley of Montgomery county be changed to that of William Parmer, and that he be hereafter known and called by the said name of William Parmer. Approved, January 9, 1830.

## AN ACT

To authorize Haynes Crabtree to emancipate certain slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Haynes Crabtree of the county of Montgomery, be, and he is hereby authorized to emancipate and free from slavery and bondage his negro slave named Nancy, and her two children William and Thomas, saving however the rights of creditors; and upon the express condition that the said Haynes Crabtree shall enter into bond with security, in the sum of seven hundred dollars, payable to the judge of the County Court of Montgomery county and to be approved by said judge, conditioned that the said slaves shall never become a charge to any county, city, or town in this State: *Provided,* the rights of creditors shall not be interfered with. Approved, Jan. 15, 1830

JOINT RESOLUTION requiring the offices of the Comptroller and Treasurer to be examined annually.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller's and Treasurer's offices shall be examined annually, by a joint committee of three members from each branch of the legislature, and the said committee shall report to their respective Houses the condition of said offices, and whether the said Comptroller and Treasurer have discharged their duties strictly according to law. Approved, Jan. 13, 1830

## JOINT RESOLUTION

Providing for the appointment of a Joint Committee to investigate and examine the proceedings of the Commissioners elected to class and value the lands given to this State for the purposes of Internal Improvement.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a joint committee of both Houses of the General Assembly of the State of Alabama, be appointed to examine the proceedings of the Commissioners who were appointed by the last General Assembly, to class and value the lands given to this State by the Congress of the United States for the purposes in the act of Congress expressed, and that said committee have full power and authority to send for persons, papers, books and records.

*And be it further resolved,* That a committee consisting of three members shall be elected by each House of the General Assembly for the purposes, and to perform the duties specified in the foregoing resolution.

Approved, November 27, 1829.

## JOINT RESOLUTION

Ratifying the proposed amendments to the Constitution of the State of Alabama, so as to limit the tenure of the Judges' offices to six years.

Whereas, the General Assembly of this State at the last session of the same, duly submitted to the people of the said State, a proposed amendment to the Constitution of the said State, and whereas the people of this State, in the manner and form as provided by the constitution of this State, have accepted the said amendment, which is in the words and figures following:

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following amendments to the Constitution of the State of Alabama, be proposed to the people of said State, which, when agreed to by a majority of all the citizens of said State, voting for representatives, and ratified by two thirds of each house of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatever, as a part of the constitution of the State of Alabama, to wit: Strike out the thirteenth section of the fifth article, and insert in lieu thereof the following: "The Judges of the several Courts of this State shall hold their offices for the term of six years; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two thirds of each house of the General Assembly: *Provided,* however, that the cause or causes for which such removal shall be required, shall be stated at length in such address; and entered on the journals of each House: *And provided further,* That the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each House respectively: *And provided also,* that the Judges now

Judges' term  
of service.

How remov'd

Proviso.

Further pro-  
viso.

in office may hold their offices until the session of the General Assembly which shall be held in the year one thousand eight hundred and thirty-three, and until their successors shall be elected and qualified, unless removed by address or impeachment:"

*Therefore. Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, Two thirds of each House concurring, that the aforesaid amendment to the Constitution, proposed as aforesaid, and accepted by the people as aforesaid, be ratified, and that the same from and after the passage of this resolution, be and form a part of the Constitution of the State of Alabama.*

JOHN GAYLE,

Speaker of the House of Representatives.

LEVIN POWELL,

President of the Senate.

January 16, 1830.

### JOINT RESOLUTION

Proposing amendments to the Constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (two thirds of each House concurring therein,)* That the following amendment to the constitution of the State of Alabama be proposed to the people of said State, which, when agreed to by a majority of all the citizens of said State voting for representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes, as part of the constitution of the State of Alabama, to wit—Strike out the second section of the third article, and insert in lieu thereof the following: The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the day of the commencement of the general election, and no longer; in the third section of the third article, strike out the word *year*, where it is in the said section, and insert in lieu thereof the words *two years*, and it will read thus: The Representatives shall be chosen every two years, on the first Monday in August, until otherwise directed by law; in the twelfth section of the third article, strike out the word *three* where it occurs in said section, and insert in lieu thereof the word *four*, and it will then read thus: The Senators shall be chosen by the qualified electors for the term of four years, at the same time, and in the same manner, and at the same places where they may vote for members to the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election, and the last year thereof a citizen of the district for which he may be chosen, and shall have attained the age of twenty-seven years; strike out all of section nine, in the third article, and insert in lieu thereof the following, to wit: The General Assembly shall, at

Members  
how chosen  
and term of  
service.

Senators how  
chosen  
and term of  
service.

Qualification

their session in the years eighteen hundred and thirty-one, eighteen hundred and thirty-five, eighteen hundred and thirty-nine, and every eight years thereafter, cause an enumeration to be made of all the inhabitants of the State, and the whole number of Representatives shall, at the first session held after making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities and towns, entitled to separate representation, according to their respective numbers of white inhabitants, and the said apportionment, when made, shall not be subject to alteration, until after the next census shall be taken; the House of Representatives shall not consist of less than sixty, nor more than one hundred members, *Provided however*, that each county shall be entitled to at least one Representative; strike out the whole of the thirteenth section of the third article; strike out the twenty third section of the fourth article, and insert the following in lieu thereof, to wit: A Treasurer and Comptroller of public accounts shall be elected once in every two years by joint vote of both Houses of the General Assembly; strike out the fourteenth section of the third article, and insert the following in lieu thereof, to wit: The House of Representatives, when assembled, shall choose a Speaker and its other officers; and the Senate shall, when assembled, choose a President, and its other officers, and shall not convene oftener than once in two years, unless required to do so by the Governor's proclamation; each House shall judge of the elections and returns of its own members, but a contested election shall be determined in such manner as shall be required by law; in the eighth section of the fourth article, strike out the word *annual*, and insert in lieu thereof *biennial*; in the seventh section of the sixth article, and last word of the section, strike out *annually*, and insert *biennially*.

Sec. 2. *And be it further resolved*, That the members of the General Assembly, who shall be such at the session held in the year eighteen hundred and thirty-one, shall continue in office until the election preceding the session which shall be held in eighteen hundred and thirty-three; but there shall be no session in eighteen hundred and thirty-two, unless the members of the General Assembly shall be convened by the Governor's proclamation; and the first election for members under this proposed amendment shall be held the first Monday in August, eighteen hundred and thirty-three, unless otherwise provided for by law; and all officers whose appointments are to be made by the Legislature, and whose term of service would expire in eighteen hundred and thirty-two, shall hold their offices until the session of eighteen hundred and thirty-three, and until a successor shall be elected and qualified; and all officers whose appointments are made as aforesaid, and whose term of service would expire in the year eighteen hundred and thirty-four, shall expire at the session of eighteen hundred and thirty-three, at which a successor

Enumeration when and how taken.

Apportionment of representation.

Treasurer & Comptroller how elected.

H. of Reps. to choose a speaker

Senate to choose a president.

To judge &c. of contested elections.

Members of Gen As'ly in 1831, how long to continue in office.

Election for members when held.

Officers whos term of office would expire in 1832, shall continue till 1833.

Officers whos term would expire in 1834 shall expire in 1833.

shall be elected and qualified; the Senators chosen at the first election under this amendment, when convened, shall be divided by lot into two classes, as nearly equal as may be; the seats of the Senators of the first class shall be vacated at the expiration of two years from the time of their election, and those of the second class at the expiration of four years, so that one half may be biennially chosen thereafter, and a rotation kept up perpetually; such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of members in each class.

Approved, January 14, 1830.

### JOINT RESOLUTION

In relation to the Cherokee boundary.

Whereas, by the second article of the treaty of Turkey Town with the Cherokee nation, dated the fourth day of October, eighteen hundred and sixteen, the boundary line between the United States and the said Cherokee Nation, was agreed and established to begin on the south side of Tennessee river, at Camp Coffee, opposite to the Chickasaw Island, and to run from that point due south to the dividing ridge between the waters of Tennessee and Tombekbe rivers; thence eastwardly along said dividing ridge, &c. &c. and, whereas, the line as run by the surveyor appointed for that purpose, does not run a due south course from the beginning as required by the said second article, but on the contrary runs considerably west of south, as appears from the fact of its crossing the basis meridian of the Huntsville district, and not running parallel with it as it should have done, by which departure from a due south course, some valuable land is left in the nation, which of right ought to be in the county of Morgan, in the State of Alabama:

*Wherefore, Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested to adopt such measures as may be calculated to have said line correctly run, either by application to the President, or Congress, as to them may seem proper.*

Approved, January 1, 1830.

### JOINT RESOLUTION

To authorize the Building Committee to procure the necessary furniture for the Executive Rooms in the State Capitol.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Building Committee, be, and they are hereby authorized to procure suitable and necessary furniture for the Executive Rooms in the State Capitol, and that the same be paid out of any monies in the treasury not otherwise appropriated: Provided, the amount so to be expended shall not exceed the sum of three hundred and seventy-five dollars.*

Approved, December 19, 1829.

### JOINT RESOLUTION

Asking the establishment of a Land Office in Bellefonte.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law establishing a Land Office in the town of Bellefonte, in Jackson county of this State, at which the sales and disposition of the public lands of said county shall be conducted.*

Approved, December 29, 1829.

## JOINT RESOLUTION

Instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a Library and Apparatus for the University of Alabama.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in the Congress of the United States be instructed, and our Representatives requested to use their best exertions to procure the remission of all such duties as may accrue upon the importation into the United States, of all such books, maps, chemical, philosophical and other apparatus, and objects of natural history, as may be imported by the Trustees of the University of the State of Alabama, for the use and benefit of the said institution.

*Resolved further,* That the Governor be requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Approved, January 14, 1830.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Representatives in Congress be requested, and our Senators instructed, to use their best exertions to procure a topographical survey by the Engineer of the United States, of a route for a canal to unite the waters of the Tennessee and Tombecbe rivers, so far as to ascertain the practicability of such a work.

Approved, January 1, 1830.

*Resolved, (with the concurrence of the Senate.)* That our Senators in Congress be instructed, and our Representatives requested, to procure by the United States' Engineers, as early as may be, a survey of the proposed canal, between the rivers Amoy and Coosauga, and of the rivers Conasauga and Coosa, and the practicability and probable cost of the work.

Approved, January 13, 1830.

## A JOINT MEMORIAL

To the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson.

The memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represents, that it is with deep concern they have observed that the President has deemed it proper to bring the public lands lying in the county of Jackson in this State, into market on the third Monday of February next. The period thus selected, they are constrained to believe, is peculiarly unfavorable to the interest of the General Government, and alike injurious to the interest of the citizens residing in that country. The great pecuniary embarrassment which has been accumulating for the last few years throughout the cotton growing country, has fallen with its full force upon the population of that portion of our State. The abundant crops of the present season, the first for some years, which have promised an adequate return to the planter, have been looked to with cheering hope, for the means of extricating themselves from their difficulties, and of securing the possession of their homes. New-Orleans, however, affords to them the only market for the disposal of their staple commodity; and when its great distance, and the intervening obstructions to their intercourse are taken into consideration, it is obviously impossible for them to receive their returns in time for the sales in February. The experience of all former years, must place this

fact beyond question. This State is also now bringing into market the lands granted by the General Government for the improvement of the Tennessee and other rivers; and the sales of these lands, lying in the immediate vicinity, must, by absorbing a large portion of the circulating medium of the country, add greatly to the existing pecuniary distress. The operation of these combined causes, cannot fail to diminish greatly the number of purchasers, and to afford facilities for the combinations of those harpies, the land speculators, who prey alike upon the government, and upon the honest occupant of the soil. The county of Jackson contains, it is supposed at this time, at least 12,000 inhabitants, many of whom have been compelled to seek an asylum on the public lands, from an inability to purchase elsewhere; and their continuance there has been, if not by the permission, at least by the sufferance of the General Government. It is, therefore, confidently believed that they will not be turned shelterless from their cabins, with their wives and helpless children, at an inclement season of the year; at a season too late to effect a new settlement, and to make the necessary preparations for the following crop. The considerations which have been urged, it is humbly hoped, will induce Congress to postpone the sales above referred to, until the month of September or October next.

*Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators be, and they are hereby instructed, and our Representatives requested to use their best endeavors to obtain, either by application to the President, or by the passage of a law, the objects embraced in this memorial.*

*And be it further resolved, That his Excellency the Governor, transmit one copy of the foregoing memorial and resolution to each of our Senators and Representatives in Congress.*

Approved, January 1, 1830.

#### MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States, in relation to forfeited lands within the State, and now advertised for sale by the proclamation of the President.

Your memorialists respectfully represent, that the sale of the forfeited lands in Alabama, as ordered by the President, without making provision for those who occupy and cultivate them, is an act of the government of the United States, more vitally affecting the happiness and prosperity of the citizens of Alabama, than any other measure of government which has been adopted since our existence as a state.

The magnitude and importance of the subject, as it respects the people of Alabama, will engage, it is hoped, the earliest attention of your honorable body; and in behalf of the people we represent, your memorialists submit for your consideration, the true condition of our people.

In the years 1818, 1819, and 1820, our best lands were sold out by the General Government to the highest bidder, at public auction, on long credits; and from causes well known to your honorable body, competition for Alabama lands was then without a parallel. Sales were made at prices so far above the *true value* of the lands, or above that value at which they had been estimated by reasonable men, that the people of the surrounding country not engaged in the transactions of the day, attributed it to a phrenzy among the bidders. Good lands were then bid off at prices varying from thirty to eighty dollars per acre, when lands of the like quality, equally productive and suitable for cultivation, could be pur-

chased in the neighboring States, for at or about one fourth part of what it was agreed to be paid for them in Alabama, and inferior lands were sold at prices proportionably high. When the sales had terminated, purchasers had moved upon their lands, bought provisions for the support of their families, they had not only drained their purses, but many of them found themselves greatly in debt; they then became convinced of their folly, and as their prospects of making future payment at such exorbitant prices were hopeless, all classes of our citizens petitioned your honorable body for relief. The justice of Congress was appealed to, and a relief partial in its operations was granted. Holders of certificates were authorized to relinquish them in payment of other lands; but the relief extended mostly to the large land dealers who after selling all that could be sold, to the *cultivators* of the soil, were, by the acts of Congress enabled to relinquish their hard bargains, or sell to others their certificates for relinquishment. This, however, extended no relief to a large class of our useful citizens, whose utmost exertions only enabled them to make payment on perhaps a single tract, at probably from thirty to sixty dollars per acre. These persons have already, on the first instalment, paid in cash more than the lands are now actually worth, or could be sold for; yet, by the several acts for their relief, they were unable to relinquish and make final payment on any part of their purchase, and the enormous amount at which the lands were first bid off, made it equally impossible with them to pay the remaining instalments due the government. They have, therefore, been compelled to forfeit to the government, not only the lands, but all the improvements made upon them; their houses and fields, their orchards and gardens; all the comforts which years of industrious toil had enabled them to provide for their families, are now to be offered for sale to the highest bidder at public auction! whilst the wealthy and large purchasers, have, by relinquishing part of their purchases upon other parts, retained for themselves a home.

Your memorialists request that your honorable body will examine the attitude in which the government of the United States must present itself to this large and useful class of our citizens.

When the country was invaded from abroad, when the savage had raised the *war club* over the heads of the defenceless frontier; your councils weakened from apprehension of danger; your rulers trembling for the safety of the nation, and the very walls in which you are now assembled had become the scene of hostile conflagration, these people stepped forward as champions in their country's and the avengers of its wrongs. Aroused by the liveliest feelings of patriotism, they traversed the inhospitable wilderness in search of the *proving* savage, or lay in swamps and ditches to guard and protect against the more formidable foe.

No sooner is invasion repelled, our government protected, and peace restored, than the whole scene is changed. Those citizen soldiers so lately relied upon as the bulwark of their country's defence, and who had breasted the storm of war, are left by that very government to shift and take care of themselves. With their families they repair to the wilderness, and settle upon lands then so recently acquired by their valor; by their labor they give value to the soil; their habitations are the homes of the traveller; the lands are increased in value by their industry; when the very government for whose protection, they but a short time before had made every sacrifice, makes merchandize of their



homes, by exposing them to sale, and then brings them into competition with the wealth and avarice of the country.

In this contest gain is the object and principle, and justice is trampled under foot; and many were driven from their improvements, to renew their toil and give value to more lands again to be taken from them; whilst those who were enabled to bear the contest, are forced to give such extravagant prices, that few were able to pay the first instalment on more than a single tract.

The contest proved ruinous to all the parties concerned, and all united in their prayer to the government for relief. Those who purchased largely have been relieved, either by the power given to relinquish part, or having paid the one twentieth and forfeited, are relieved by the issuing stock in their favor, with which they can buy other lands: whilst those who were unable to purchase more than one or two quarter sections, after having paid to government more money than the lands are intrinsically worth, are told in a proclamation, "your homes are again at auction."

What, let it be asked, must be the feelings of our people after such acts of unkindness on the part of their government? This question is submitted to your honorable body. It is no picture of fancy, but a correct chart of the condition and feeling of a large portion of our people, which none but a selfish and calculating policy can disregard; a policy which strikes at the root of our government, based, as it professedly is, upon the affections of the people. it cannot long expect to retain that affection, if their feelings and sufferings are disregarded, and when it is also known that ours is the only government upon earth, which speculates upon its people in the sale of their homes.

In conclusion, your memorialists ask your honorable body to look for a moment upon the millions of acres of the public lands within the States, and then behold in Alabama alone near forty thousand heads of families, without even an acre to cultivate, or the means to purchase it. See them driven from place to place, losing their little stock at every move, or if they should think it derogating from the spirit of freemen, to be the tenants of others, see them going upon lands of their government, to make improvements, and as soon as their labour has enhanced the value to the amount of the cost of the land, and long before the poor occupant can raise the sum required in payment, see the lands entered over them, their labor given to others, and they with their families, again driven upon the world's common, to rent or improve land which can never be their own.

Your memorialists, have in behalf of the people they represent, shewn to your honorable body their true condition. They have paid for their lands their full and fair value, and more than the people of any other State ever paid for the fee simple title to the same quantity of lands. They, therefore, hope and believe, that substantial *relief* by your honorable body will be given; such relief as is due from a government to its people; a government whose magnanimity in behalf of our red brethren, the Creeks and Cherokees, pays for their improvements, and assigns them a country in the wilderness, with assurance of protection, cannot, will not, take from its own citizens who have paid the full value of their lands, the amount which they have already paid, together with their improvements, and cast them with their families upon the world without house or home.

*Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Executive be requested to cause a copy of the foregoing memorial to be forwarded to the Executives of the several States, holding public lands within their territory, and also a copy to our Senators and Representatives in Congress, with request that they wait upon the President of the United States, and ask a suspension of the sales of forfeited and relinquished lands, within the State, until Congress shall act finally on the subject; and if no measure of permanent relief can be adopted by your honorable body, that the land sales will at least be postponed to a day certain not less than twelve months from the times they are now advertised to take place.*

Approved, January 20, 1830.

### JOINT MEMORIAL

Of the Senate and House of Representatives, of the State of Alabama in General Assembly convened,

*Respectfully sheweth to the Congress of the United States, That all that tract of country called East Tennessee, and a part of the States of Virginia, North Carolina, and an extensive and valuable country within the State of Georgia, are in a manner deprived of all commerce and communication with the Atlantic States. And further, that the country before mentioned, in an agricultural point of view, is amongst the best parts of America, and the climate pleasant and healthy.*

Your memorialists further show, that the internal improvement necessary for the prosperity of said country, is a canal which will connect the waters of the Tennessee river with the waters of the Coosa river, which may be done at two points, the one by a canal of nine miles in length, and the other by a canal of twelve miles; and the line of the canal would pass through valley, except a slight hill which separates the waters of said streams; and that the canal probably may be made at an expense not above two hundred thousand dollars, and that one hundred, or one hundred and fifty thousand dollars, it is believed, would remove the obstructions to the navigation of the Coosa river.

Your memorialists shew, that the States so deeply interested in the success of the canal and navigation of the Coosa river, are unable to appropriate the necessary means, and further that the work would be one of a great national character, and that upon invasions, of any points within the State of Alabama, and West Florida, and a part of Mississippi State, by any foreign enemy, the men and supplies necessary for defence, must be drawn from the country before described, and that the facilities of the canal and a safe navigation of the Coosa for such purposes must be seen by all, and that the prosperity of the people to be immediately and forever benefited is interwoven with, and inseparable from the national character.

The premises and other matters considered, this General Assembly press upon the consideration of Congress the propriety of making a grant to the State of Alabama, of sufficient of the relinquished lands lying in the counties bordering upon the Alabama river to affect the above named objects.

Your memorialists state, great as the intended improvement of the navigation of the Tennessee river will be, that to the country before mentioned and to South Alabama, the connexion of the waters of the Tennessee and Coosa rivers would be much more desirable, and in fact that the canal in North Alabama will have but very little to do with the prosperity of South

Alabama; wherefore your memorialists solicit the honorable, the Congress respectfully to consider the vital importance of the measure, and to do what in their wisdom they may consider just, and to accept the profound respect, and high consideration of your memorialists.

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the donation mentioned in the foregoing memorial, and that his Excellency the Governor be requested to forward, as soon as possible, a copy of the foregoing memorial to the President of the Senate of the United States and to the Speaker of the House of Representatives, and one to each of our Senators and Representatives in the Congress of the United States. Approved, Dec. 29, 1829.

### MEMORIAL

To the Congress of the United States to procure the establishment of a Land Office at Monticello in Pike county.

*The memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Senate and House of Representatives of the United States of America in Congress assembled, respectfully represent*, That the public lands of the United States in the counties of Pike, Henry, and Dale in the State of Alabama, situate at a great distance from the present Land Office at Sparta, Alabama, in which land district they are included, whereby great inconveniences, hardships and expenses are experienced and incurred by those wishing to enter said land, in being compelled to travel from one hundred to one hundred and fifty miles, to the aforesaid Land office at Sparta, when on the contrary, if an office was established at Monticello, many of the citizens in the aforesaid counties would be but little more than half the distance from that office. Your memorialists would further represent, that the establishment of this office would, in a particular degree, benefit those settlers in said counties of Henry and Dale, for the reasons aforesaid. Your memorialists would further represent, that the Indian lands adjacent to the town of Monticello, when purchased and brought into market could be conveniently disposed of at that place. *Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That the Congress of the United States, be, and they are hereby requested to pass a law to establish a Land Office at Monticello, in Pike county, Alabama, and that our Senators in Congress be instructed and our Representatives requested to use their best endeavors to procure the passage of said law; and that his Excellency the Governor, be, and he is hereby requested to furnish the President and Vice President of the United States, and each of our Senators and Representatives in Congress, with a copy of the above memorial.

Approved, January 20, 1830.

### JOINT MEMORIAL

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully sheweth :

That, in many counties of this State there yet remain portions of the public lands unsold, though the same have been subject to entry for many years. No stronger evidence need be adduced of these lands not being worth the minimum price heretofore established, than the fact of their having remained undisposed of for such a length of time.

Although those lands, in the aggregate, would produce only an inconsiderable sum, yet, when added to the sums produced by the sales or rent of the 16th sections, your memorialists believe it might effect the laudable

object of extending the benefits of education to those who otherwise would remain in ignorance, an object to which the grant of the 16th sections has hitherto proved inadequate.

Independent of the establishment and endowment of primary schools, strong reasons exist why these lands should not remain in their present situation. The State of Alabama is anxiously looking forward to the time when all the lands within her limits will become the property of individual citizens, and thus enable the authorities of the same to establish a regular and just plan of taxation for the support of its government. These lands produce no revenue to the State, and it is hopeless to presume that they can ever be disposed of at the present minimum price. They interfere much with the collection of the land taxes; as it is almost impossible for the collectors to ascertain what lands are subject to taxation, an objection which must remain so long as there remains any unappropriated lands within this State. If the lands referred to should be granted to the State, it would be competent for the authorities of the same, to affix such prices on the lands as would enable every citizen to become a freeholder.

Yemenorralists therefore ask that all the lands, which have, or shall hereafter be subject to entry for the space of two years, may be granted to the State of Alabama for the purpose of establishing and endowing primary schools, in the respective counties of this State, where the said lands may be located, or in the event that the grant may not be made, that such measures should be adopted by Congress as will favor the speedy entry and settlement of the said lands.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to use their endeavors to carry into effect the measures referred to in the foregoing memorial, and that the Governor be requested to furnish our delegation in Congress with copies of the same.

Approved, January 1, 1830.

### JOINT MEMORIAL

Of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, praying indemnity for losses sustained by the depredations of the Creek Indians.

*To the Hon. the Senate and House of Representatives of the United States of America in Congress assembled.*

The General Assembly of the State of Alabama beg leave to present to your respectful consideration the claims of a portion of the citizens of the State, whose interest they have been delegated to watch over and promote, for indemnity for losses of property sustained by the depredations of the Creek Indians.

The General Assembly have thought proper to lay before your honorable body, the petition presented to them at the present session, in the precise language of the petitioners, as conveying in more expressive and feeling terms than any which they could substitute, the narration of their losses, and of their sufferings, with a firm reliance that your honorable body will take such measures as in your wisdom and justice may be deemed most suitable for the redress of their grievances.

Copy of a petition to the Senate and House of Representatives of the State of Alabama in General Assembly convened.

*To the honorable the Senate and House of Representatives of the State of Alabama assembled*—The petition, of the undersigned citizens, represents that your petitioners emigrated to the Mississippi Territory previous to

the late Indian war, and settled on the waters of the Alabama and Tombeckbe; that in the year 1812 and 1813, a part of the Creek nation of Indians commenced and waged hostilities on the population of the country, lying between the Tombeckbe and Alabama, and on that part of the Alabama and Mobile waters, known by the name of the *Tensaw*; that during the said hostilities on the part of the savages, and whilst the population of the country was shut up in forts and block houses, the said Creek Indians destroyed and carried off property belonging to the said inhabitants; that the hostilities on the part of the Indians, as has been well shown, was unprovoked by the whites, and that in the moment of peace and a good understanding, a party of the Creek nation of Indians, afterwards known as the war party, listening to councils and talks of a celebrated Shawnee chief and prophet, and a deputation of Indians from the Lakes, then going through the nation, delivering talks in every town, repairing to Pensacola (on their way committing depredations.) for arms and ammunition, with which they were there amply provided, having previous to their departure from their towns declared their intention of extirpating the whole settlements above mentioned, and reiterating the same *determination* whilst in Pensacola; that after their arrival in their towns, they immediately armed and proceeded to war, headed by their prophets, agreeable to the instructions and orders left with them by the said warrior and his deputation of northern savages; that they committed on the settlements unheard of cruelties, and a wanton destruction of property belonging to the unoffending inhabitants, and which the strength of the settlement before mentioned, was not sufficient to restrain or prevent. Your petitioners are aware that many other sections of the United States' territories suffered from the depredations of savage tribes, during the late British war, but they beg permission to suggest to your honorable body, that in material circumstances their case stands alone, as regards their claim for remuneration, and connects with it facts of a peculiarly aggravating character. On the other frontiers of the United States, the savages joined the foreign enemy, already at war with the United States, being instigated thereto by British gold and British presents. In the case of your petitioners, in a moment of peace with the white population of the country, and whilst the Indians were without a murmur of disquiet, as to the conduct of the people of the Territory, they, secretly as the nature of the case would admit, prepared for the extermination of the white population, and proceeded evidently with this design, and to a most melancholy extent to effect it at fort Mims and other places. Your petitioners beg permission to state to your honorable body, that they had come to this country in a situation sufficiently needy, and whilst suffering the privations, incident to the first settlement of a wilderness country, had procured the means of a comfortable existence by pursuing a laudable industry, and especially the means of purchasing, from the government of the United States, lands for themselves and their offspring. Such was however the extent of the losses which the greater part of your petitioners sustained by the depredations of the Creek Indians, that after again recovering, so far as to be able to live, they found themselves unable to purchase the lands which they had previously prepared for a profitable cultivation, or indeed any other lands; and find themselves now obliged to remain on inferior public lands for the purpose of merely providing a support; in which condition they have been for a considerable time waiting with the sanguine hope,

that the justice and liberality of their country would ultimately procure them a just remuneration for unprovoked aggressions, and a wanton destruction of laboriously acquired property. Your petitioners beg permission further to state to your honorable body that, in addition to other misfortunes which they have been obliged to feel, that almost unexampled depreciation of the staple of the country, has aided in leaving them in that wretched state of dependence in which they find themselves unable to purchase lands from the United States for cultivation or a home. Your petitioners beg leave to suggest to your honorable body, the right they had to expect that the government of the Union, especially established for the protection of every citizen, and the "general welfare," and which claims to itself "the regulation of all intercourse with the Indian tribes," would have enforced the strict observance of retributive justice, not only towards the savage tribes, but towards its own citizens. Had the citizens of the United States committed hostilities unprovoked on the Indians, remuneration and satisfaction would have been amply and promptly made by the general government; and it would have been justly called for from the party who were the aggressors, or in lieu thereof a just punishment inflicted. Your petitioners beg leave to plead that the same observance was due to them and that their property, wantonly destroyed or carried off, ought, in common justice, to have been restored or remuneration made them by the party who committed the depredations. Had your petitioners, or the population of the country, have been the aggressors, your petitioners would have been silent and submitted without a murmur to an endurance of the same evil that many other sections of our frontiers have suffered, and that is viewed as the result of war; but when they know that the Indians were the aggressing party, and instigated the most ungrateful and savage conduct by foreign savages, and unprovoked by the white population of the country, those they had determined to extirpate, and without a previous complaint; your petitioners cannot, but in strict justice, view themselves as amply entitled to remuneration for losses, undeservedly sustained, through the wanton conduct of the savages. Your petitioners beg leave to add that in the archives of the government of the United States, there is to be found ample proof of the before mentioned facts; and in addition, that on the floor occupied by your honorable body, there can be found gentlemen highly distinguished by their patriotism and public services, whose activity and usefulness during the eventful period alluded to, can conclusively establish them. Your petitioners beg permission to remind your honorable body that those Indians who took part with the whites were not only amply rewarded in lands, but received in addition from the general government of the United States, an equitable remuneration for property destroyed or carried off by the war party of the Creek nation; and they would most respectfully beg your honorable body to decide whether or not sound policy, laying aside justice and equity, does not determine that the citizens of our country, who were more wantonly injured, in the destruction of many wives, mothers, fathers, infants and friends, as well as the very means of existence to those that survived with all the consequent distress which followed for years, are not as fit subjects for the exercise of national justice and for philanthropy, as the savages. Your petitioners beg leave to recall to the recollection of your honorable body, the high sense of justice and the guardianship due from the government to the rights of its citizens, in securing them in the possession of honestly

acquired property exhibited by a neighboring State, where its citizens had suffered from the depredations of the same savages. As much as your petitioners were so destroyed, in their property, by the depredations of the Creek Indians, that they have not been able to recover, they most ardently, but respectfully look to the legitimate guardians of the "public welfare" for that protection and remuneration to which they are entitled by the laws of nature and nations, and they sincerely pray, the Representatives of the people of the State of Alabama assembled, that they would present to the General Government of the Union a *memorial* in their behalf, spreading before the councils of the nation the justice and equity of their claims, and the grounds which they have for resting assured that the national liberality will not disregard the rightful cause of the citizens, especially when their claims on it are coupled with sheer justice. Resting assured that your honorable body will give to the prayer of your petitioners that attention which it merits, your petitioners, as in duty bound, will ever pray

The above petition was signed by many subscribers in behalf of themselves and sufferers by Indian depredations.

*Resolved*, That the Governor of this State be requested to forward one copy of this memorial to each of our Senators and Representatives in Congress.

Approved, January 14, 1830.

### JOINT MEMORIAL

Requesting a grant of lands by the Congress of the United States for the use of a Female Academy in each county of this State.

*The Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represent to the Congress of the United States*, That your memorialists have witnessed with great pleasure the munificence and liberality of your honorable body in the promotion of education, by the grant of sixteenth sections for the use of common schools in every township, and of other lands for the advancement of an asylum for the use of the deaf and dumb, and for the establishment and maintenance of an University, and whilst they have been greatly benefited and much pleased with such liberality in the promotion of objects so intimately and essentially interwoven with the moral and political prospects of the country; they respectfully suggest that another subject of equal or superior claims upon your liberality and munificence, has not received the attention due to the importance which properly attaches to it, either from our own citizens, or their Representatives in the National Legislature, to wit: the proper and necessary education of the females of this free and happy Republic. Your memorialists beg the indulgence of your honorable body, in remarking that the ornaments of this and every other country, so far as it relates to talents, learning and virtue, rest their claims mainly on the early impressions made by mothers. That it seldom happens that impressions derived from this source are calculated to sap the foundation of morality, or to injure in the smallest degree, the best interests of society, but on the contrary, the education, information and examples drawn from them, exalt and ennoble our character, and constitute the foundation and prop of our most estimable virtues and consequent prosperity in life. Your memorialists derive much pleasure from the reflection that the people of this State have aroused from their lethargy upon this all important subject, and are now making exertions to compensate in some measure, for their former apathy, by laudable attempts on their part to promote female education. But your memorial-

ists would here remark that common schools are not places at which females can receive more than the first rudiments of education, and the importance of institutions exclusively for the use of female education must be admitted by all. Your memorialists, therefore respectfully request, that your honorable body will grant to the State of Alabama as much as two sections of land for each county in this State, to be selected and sold by the respective counties and to be exclusively applied to the erection and support of an Academy in each county in this State for the education of females. Your memorialists sincerely believe that by the selection of the best unappropriated lands, and prudent management of the same, that no portion of the public land has been heretofore, or will be hereafter, applied in a manner to accomplish more good: *Therefore, be it resolved*, That our Senators be instructed, and our Representatives requested to use their best exertions to obtain the object of this memorial. *And be it further resolved*, That it shall be the duty of the Governor to transmit, as early as may be, a copy of this memorial to each of our Senators and Representatives in Congress, and one to the President of the United States.

Approved, January 13, 1830.

---

**ERRATA.**—Strike out the *thirteenth* line of the act to discontinue and establish certain election precincts, page 27; And insert *of* between the words *name* and *Tankersley* page 77.

---

## DEPARTMENT OF STATE,

TUSCALOOSA, FEBRUARY 9, 1830.

I have carefully examined the foregoing Acts, Resolutions and Memorials, and find them to be true copies of the original rolls deposited in this Office.

JAMES I. THORNTON, *Secretary of State*.



# INDEX.

## ACADEMIES—

- Sims' female acad'y, act incorporating 43  
 Marion, in Perry 44  
 Valley Creek, act incorp. amended 45  
 In Henry, act authoriz'g lot'y amend'd 39

- ALABAMA—Resolution proposing amend-  
 ments to constitution of, relative to  
 tenure of judges, ratified, 78  
 Resolution relative to biennial sessions  
 of the General Assembly 79  
 Duties of sheriffs, &c in holding elec-  
 tions on amendments proposed to the  
 constitution of, 13

- Admr's T. C. Bradford to sell real estate 40  
 Alsobrook Wm. act for the relief of 74

- APPROPRIATIONS—For state officers, &c. 53  
 For payment of certain claims 55  
 For members of the General Assembly 26  
 For executive rooms in the capitol 81  
 To supreme court library company 12  
 To commissioners of state capitol 14  
 To B. M. Bradford and J. Shackleford 51  
 To M. Ragsdale and J. A. Chapman 53  
 To E. A. McBride and H. Minor ib.  
 To M. Robins 40

- Autauga county court, to have certain  
 records transcribed 24

- Lodge, lottery authorized for benefit of, 35  
 Bank securities, act for the relief of, 23

- Barges, &c. act regulating land'g goods by 32  
 Blakely, road from, to upper line Baldwin 72

- Blount county court, when held 16  
 Bradford B. M. appropriation to 51

- Bradford T. C. adm'r's of, to sell estate 40  
 Burke Isham, court of roads and revenue  
 for Madison, to appropriate for, 24

- Butler county court, to have certain re-  
 cords transcribed, 24

- Butler, Gabriel and Mary Littrell, rites  
 of matrimony legalized, 40

- Canal commissioners, act appointing, 3  
 Cahawba, statehouse in, grant'd to Dallas, 11

- Capitol, state, appropriation to com'r's of, 14  
 Cashier of state bank, his duties under act  
 establishing board of internal imp. 8

- Relative to sales of 16th sections, 34  
 Change bills, act to prevent circulation of, 31

- Chapman J. A. and others, authorized to  
 turnpike a certain road, 70

- Cheatham Wyatt, act authorizing to es-  
 tablish a turnpike, amended, 72

- Clarke, part of added to Wilcox, 25

- CLERKS—of circuit and county courts,  
 offices of to be examined, 31

- To take confession of judgement for  
 costs before dismissal of suit, 12

- Of certain county courts, liable to fine  
 for neglect of orphans' business 24

- College, at La Grange, act establishing, 41  
 Commissioners, land, resol. respecting, 78

- Comptroller's office, examined annually, 77

- Conecuh county court, to divide a certain  
 road into precincts, 71

- County treasurer, regulating duties of 33

- COURTS, circuit—  
 Spring terms, in Conecuh, when held, 16

- In Monroe ib  
 In Clarke ib

- In Washington ib  
 In Baldwin 17 & 18

- In Mobile ib  
 Fall terms, in Washington 17

- In Clarke ib  
 In Monroe ib

- In Conecuh ib  
 In Baldwin ib

- In Mobile 17 & 18  
 In Franklin 20 & 21

- In Marion ib  
 In Pickens ib

- In Fayette ib  
 In Walker ib

- In Blount ib  
 In Greene 20

- In Tuscaloosa ib  
 In Jefferson ib

- In Shelby ib  
 In St Clair ib

- In Covington 17  
 In Marengo 26

- In Lowndes ib  
 In Dale 17

- In Henry, term of, extended ib  
 May render judgement final against se-  
 curity in writs of error bond 18

- Against security of nonresidents for cost 19  
 Judges, act to regulate interchange of 21

- COURTS, county—In Clarke, when held 16  
 In Pickens ib

- In Blount ib  
 In Marion 19

- In Dallas ib  
 In Jefferson ib

- In Lowndes 26  
 In Marengo, fall term when held ib

- Judges of, to allow wills to be withdrawn 15  
 Decrees of, on accounts of ex'r's and  
 adm'r's to have force of judgements 18

- COURTS revenue and roads—of Madison,  
 to appropriate for Isham Burke 24

- May issue writs of attachment 18  
 Of Butler, Pickens, Shelby and Autau-  
 ga to have records transcribed, 24

- Of certain counties, to inspect the re-  
 cords of orphans' court ib

- Court, supreme—Appropriation to libra-  
 ry company of, 12

- Library society of incorporated, 50  
 Courts of the U.S. act relative to the con-  
 fining of prisoners, from 22

- Crabtree Haynes, to emancipate slaves 77  
 Dale co. seat of justice in, established, 52

Davis James and associates, authorized to turnpike a certain road,	67	Greensborough com'rs appointed to mark out a road from to Mobile	66
Delinque, proceedings in certain actions of regulated	31	Greene, com'rs to establish the line between Tuscaloosa, Pickens and	38
DIVORCES—Hillery Lee from Sabina Lee	73	Guards, Warrior, act for the relief of,	75
John Fowler from Hannah Fowler	ib	Hazlegreen, act concerning &c.	73
Elizabeth Shepard from John Shepard	74	Henry, act authorizing lottery for building academy & courthouse, amended	39
James H. Roane from Anna Roane	ib	Horn, Andrew O. act for the relief of	76
Leger Borel from Theresa Borel	ib	Hudson B. & W. Alsbrook, relief of	74
ELECTIONS—Of members of the general assembly, mode of contesting	15	Huntsville fire engine company, act incorporating, amended,	45
Vacancy in general assembly during the session, how filled	53	Internal Improvement, board established	7
Penalty for betting on,	13	Sales of lands, for purposes of, suspended	11
ELECTION PRECINCTS, abolished—		INCORPORATIONS—Of Sims' academy	43
In Covington county	27	Marion	ib
In Dallas	ib	Valley Creek, act amended,	45
In Jefferson	ib	Huntsville F. engine co. act amended	ib
In Butler	ib	Sema, act revived	ib
In Wilcox	ib	Tusculum railway company	46
In Pike	ib	Mobile marine railway	48
In Blount	ib	Supreme court library society	50
In Marengo	ib	Hazlegreen, act of, repealed	73
In Lauderdale	ib	Johnson, W. to make titles to certain lots	39
In Mobile	ib	Judges of circuit courts, act to regulate the interchange of	21
In Washington	ib	To give in charge the penalty, of betting on elections	13
In Bibb	27	of passing stage tickets	31
Established—In Dallas	28	Judges of county courts to have clerks of-fices examined	31
In Pike	ib	Jurors, in Pike, act concerning	23
In Covington	ib	In Montgomery, pay of,	30
In Dale	ib	In Marion, pay of,	ib
In Jefferson	ib	King, Charles, act for benefit of estate of	52
In Butler	ib	La Grange college established	41
In Wilcox	ib	Land commissioners, certain errors in the returns of, to be corrected,	10
In Marengo	ib	Proceedings of, examined by com'tee	78
In Blount	ib	Lands, public, in the counties of Madison and Morgan, to be revalued	15
In Lauderdale	ib	Granted to the state, sales of, suspended	11
In Mobile	ib	Lindsey John, to register a certain deed	35
In Washington	ib	Lottery, for benefit of Autauga lodge	ib
In Pickens	ib	For building an academy and courthouse in Henry, act amended,	39
In Montgomery	ib	Lowndes co. organized and established	25
In Monroe	ib	Attached to 2d judicial circuit	36
In Fayette	ib	Maddux L. act for the relief of	77
In Tuscaloosa	ib	Madison, lands in to be reduced,	15
In Lawrence	ib	16th section in, act relative to,	27
In Bibb	ib	Court R. & B. to provide for J. Burke	24
In Greene	ib	Militia, commissioned officers of 11th reg. to select muster ground	73
Emancipation of certain slaves	36, 39, 77	Marion, tales jurors in, pay of	30
EXECUTORS &c.—Allowed in certain cases to withdraw wills from co. courts	15	Maria emancipated	39
Decrees made on accounts of, to have the force of judgements	18	Marengo attached to third circuit	26
Of Wm Lindsey to record a deed	35	Medical boards established	11
Of C.H. Turner, act for the relief of,	75	Monroe county court to divide a certain road into precincts	71
Florida, attorneys of, may practice law in this state	23	Montgomery, pay of jurors in,	30
Fields Daniel, &c. to turnpike a road	61	Morgan co. lands in to be reduced	15
Florence, act establishing road from, to Athens, amended	72	Act for relief of tax collector of	52
Franklin co. act to regulate tax of,	24		
General Assembly, elections of members of, how contested,	13		
Vacancies in, during session, how filled	52		

Court may levy tax to complete jail	2	Seat of justice in Dale established	52
Non residents, courts au baised to r n-		O. Lowndes established	26
der final judgments against secur-		Of Pickens, act locating	28
ties of, for col.	19	Selma act incorporating amended	45
ORPHAN'S COURT—Judges of certain co.		Securities in Banks, act for the relief of	22
courts to inspect the records of	24	Shelby co., et. to have records tra scribed	24
Parmer, William name changed from	72	sheriffs &c. act relative to, in holding e-	
lanke slay		lections, &c. on amendments pro-	
Picks ons, act regulating the licensing	11	posed to the constitution	13
of, amended		Of Montgomery to hold an election in	
Pickens county court of when held	16	Lowndes county for certain officers	25
To have cert in records transcribed	24	Shackleford Jack, appropriation to,	51
act locating seat of justice i	28	Sims' female academy incorporated	43
Com's appointed to establish the line		Sixteenth sections, in town 2, range 1, E	
between Tusaloosa Greene and	38	in Madison, act relative to	27
Wm. Johnson, to make titles to lots in		In town 12, range 9, east, in Wilcox	16
town of	39	act authorizing the sales of, amended	33
Pike, commissioners appointed to mark		Sossaman Henry, act for the relief of	76
road from D Lewis' to Chatahouche	63	Statehouse in Cahawba, granted to Dallas	11
Jur rs in act concerning	23	State treasurer, office examined annually	77
Prisoners from U.S. courts, act relative to	22	Steamboats &c. act regulating the land-	
RAILWAY—In city of Mobile, act incor-		or goods by,	32
porating	48	Supreme court library so. incorporated	50
Tus umbia, co. incorporated	46	Suits at common law, concerning dism'l o	12
Register of the L. O. to correct certain		Treasurer co. act regulating duties of,	33
errors in the return of the L. com's	10	O. Montgomery and Marion to retain	
To appoint com's to re-value lands in		money to pay jurors	30
Madison and Morgan	15	State, office to be examined annually	77
Resolutions and memorials to the Con-		Tax collector of Lawrence, for relief of,	76
gress of the U. S. from page 81 to 91		O. Dallas	77
ROADS—authorised, from Edw Cox's in		Of Morgan	52
Blount, to foot of mountain in Morgan	61	Tax of Franklin c'ty, act to regulate,	24
From D. Lewis' in Pike, to Chatahouche	63	Tarkersley Wm. name changed to Parmer	77
From Marston Meads' to E. P. Wallis'	64	Thompson J. A. act for the relief of	77
From Greensborough to Mobile	66	Turner Sally, ex'r, act for the relief of	75
From the bridge on Spring Creek to		Tuscumbia railway co. incorporated	46
the Good Spring	67	Tuscaloosa, com's appointed to establish	
From or near the Coosa river thro' the		line between Greene, Pickens, and	38
Creek nation to the line between this		Valley creek academy, act amended	45
State and Georgia	79	Warrior Guards, act for the relief of	75
Between Burnt-creek creek and the		Wilcox, part of add'd o Clarke county,	25
northern line of Baldwin and the		Sixteenth section, act relative to,	27
western line of Butler, to be divided		Wills may be withdrawn in certain	
into precincts,	71	cases from county courts	15
From Blakely to upper line of Baldwin	72	Writs, of attachment may be issued by	
From Florence to Athens, act amended, in		orphans' court	18
W. Cheatham authorized to establish		Of error bond, circuit court may ren-	
a turnpike, act amended	72	der judgments final against security in,	18
Robins Michael, act for the relief of	49	Winlock Wm. act for the relief of,	76